

EMERGENT DESIGN AND DEVELOPMENT

Legislative Update

April 2, 2009

We have completed the fifth week of the Legislative Session. This week the Legislature met on Wednesday and Thursday to vote on the 2010 budget. Although the budget passed both houses, it was in very different form, and a vast number of items will now go to a Conference Committee for finalization. This is the earliest that I can recall a budget passing. Since by Florida Statute, it is the only legislation required to be passed by the Legislature, it is usually passed as the Session draws to an end. Once the budget is agreed upon in Conference, it will be published and 72 hours later may be voted on by both the House and Senate. Members can then vote yes or no but cannot amend the budget.

RACE TO THE TOP

The big news is that Florida was **not** awarded Race to the Top funds in the first round of announcements. Only Delaware (\$100 Million) and Tennessee (\$500 Million) received a grant. Florida placed fourth and will submit for Round Two funding in June (to be awarded in the fall). Round Two funding will be limited to \$700 Million (Florida had applied for more than \$1 Billion in Round One). How this will impact the current Legislative session and DOE initiatives (such as developing end of the year assessments) has yet to be determined. There will be a lot of finger pointing concerning what really caused Florida's failure to receive funding in Round One.

BILLS OF INTEREST AND CONCERN

Senate Bill 002. This is the so called "Class Size Fix Bill". There will **not** be a fix for the Constitutional requirements concerning class size which goes into effect when school opens in August. Districts will face full implementation at the individual classroom level when schools open. Both houses are expected to pass legislation delaying the enrollment count until February for purposes of imposing the penalty. The penalty for failure to meet the Constitutional requirement will be much harsher than those proposed in the past. SB 002 will place a Constitutional amendment on the ballot which would give some relief to the absolute numbers in the Original Amendment that passed. "Beginning in 2010-2011 school year, maximum class size would be the school level average number of students who can be assigned to each teacher. (18 in Pk-3, 22 in 4-8, and 25 in 9-12) The **maximum** number of students who may be assigned a teacher while not exceeding the school level average will be: 21 in Pk-3, 27 in 4-8, and 30 in 9-12. The bill also states that class size requirements only apply to core classes and that virtual classes do not fall under the constitutional requirement.

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0002.pdf>

Senate Bill 004. This is referred to as the High School Standards or the Education Accountability Bill. The bill is substantially the same in both houses and the differences will be easy to work out. When finished, the bill will phase in increased curricular requirements for graduation. The Mathematics requirement will be Alg.I, Geometry, and Alg.II. Two of the three required Science courses will be Biology and Chemistry or Physics. The law will also require all high school students to take a virtual course beginning in the 2013-2014 school year. Other sections of the bill address; Middle School Promotion, Accelerated graduation and Opportunities, Career and Professional Academies, The Statewide Assessment Program, School Grades, the elimination of certain FCAT high school exams, and a host of other issues. I would strongly suggest that you read the staff analysis. <http://www.flsenate.gov/data/session/2010/Senate/bills/analysis/pdf/2010s0004.wpsc.pdf>

Senate Bill 006/ HB 7189. This is referred to as the Teacher Quality Bill (ensure every student has a high quality teacher). This bill causes the most concern by educators of any of the 300 bills that we are tracking. Educators are aware that this bill addresses the issue of performance appraisals, however, the bill does much more. The intent appears to:

- tie educator pay to student gains (more than 50% Of an appraisal must be based upon student performance) Performance would based upon 3 years data.
- eliminate tenure for new hires (first year probationary, 4 yrs annual contract, if a teacher receives a 6th yr. contract, they must be evaluated as effective or highly effective.
- establish “poor performance”(failure to demonstrate student growth) as a cause for termination
- have 4 levels of performance; unsatisfactory, needs improvement, effective, highly effective
- require End of Course exams in all subject areas- not just subjects tested by the state (to be used to show growth)
- forbid the use of advanced degrees or years of service for salary purposes

I expect that we will see much more debate on these bills, however something is likely to pass the respective houses and go to conference. Once again I recommend that you look at the staff analysis.

<http://www.flsenate.gov/data/session/2010/Senate/bills/analysis/pdf/2010s0006.wpsc.pdf>

<http://www.flsenate.gov/data/session/2010/House/bills/analysis/pdf/h7189.PT.pdf>

HB 1319. This is one of many retirement bills. When money is short, Legislators look everywhere to find revenue. The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) was asked to do a study on the Florida Retirement System. As a result of the study, Legislators received a multitude of areas of possible savings. While nothing is firm yet and there may not even be a bill this year, the following ideas have been discussed:

- Increase the years required to be vested in the Florida Retirement System from 6 to 10
- Base retirement upon the average of all years of service, not just last 5
- Lower the yearly weighted factor from 1.6 to 1.4
- Eliminate DROP (I expect that they will do this)
- Make the retirement system contributory (¼% to 1% possible)
- Remove the retirement insurance benefit (in House and Senate Budget)
- Change Cost of Living increases from 3% to actual Federal Cost of Living index

Remember, **if you are vested**, you are protected from some of the changes since you have property rights. We need to see what the final legislation looks like before we can be more specific. It looks like the Legislature could pass a retirement bill now or next year. Once again, as in SB 006, new hires will be dramatically impacted. Interesting article from the Tallahassee Democrat follows.

<http://www.tallahassee.com/article/20100329/COLUMNIST03/3290306/1006/opinion>

SB 2642. This is a Bright Futures bill. There has been growing concern over the cost of the Bright Futures Scholarship program. This bill establishes 5 levels of the award.

Level 1 requires a 3.0 GPA, 970 SAT or equivalent, College Prep Curriculum, 75 hours community service and gives the recipient 100% of the cost of Community College or Career Center.

Level 2 requires a 3.5 GPA, 1100 SAT or equivalent, College Prep Curriculum, 75 hours community service and gives the recipient 25% of the cost of tuition and fees at a state university

Level 3 requires a 3.5 GPA, 1200 SAT or equivalent, College Prep Curriculum, 75 hours community service and gives the recipient 50% of the cost of tuition and fees at a state university

Level 4 requires a 3.5 GPA, 1300 SAT or equivalent, College Prep Curriculum, 75 Hours community service and gives the recipient 75% of the cost of tuition and fees at a state university

Level 5 requires a 3.5 GPA, 1400 SAT or equivalent, College Prep Curriculum, 75 hours community service, awarded a IB diploma or AICE diploma or recognized by the merit program of the National Merit Scholarship Corporation and the student receives 100% of the cost of tuition and fees.

All levels of award may take the award and receive the fixed amount calculated by statute at a comparable independent postsecondary institution.

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2642.pdf>

SB 2126 This bill expands the Florida Tax Credit Scholarship Program. The current cap on tax credits is increased from \$118 million to \$140 million. The bill also increases the current scholarship amount from \$3,950 to a variable amount which will increase to 80% of the FTE funding amount .

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2126e2.pdf>

SB 820. This bill adds the performance of students enrolled in fine arts to the list of non-FCAT components of the school grade for high schools.

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0820c1.pdf>

HB 105. This bill establishes the Justice Sandra Day O'Connor Education Act. The reading portion of the language arts curriculum will be required to include civics education for all grade levels. A middle school course in civics will be required for promotion and includes an end of course exam.

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h010501c1.pdf>

HB 623. This instructional materials bill authorizes a school district to purchase computer hardware with the 50% portion of instructional materials allocation that can be used to purchase non-state adopted materials. The hardware must enable the delivery of instructional material content.

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h062302c2.pdf>

HB 534. The bill permits an authorized virtual school to be a charter school. This school would not be subject to certain provisions involving transportation and facilities.

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0534.pdf>

SB 1074. This bill addresses fire safety. It was developed with the coordination of school districts, the DOE, and the State Fire Marshall. The bill reduces the number of mandatory inspections to one a year. It requires all boards to use only certified fire officials and requires school boards to submit site plans for new construction to the local fire officials for approval.

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s1074.pdf>

HB 1107. This bill may impact the cost of insurance for school districts. The bill raises the limited waiver of sovereign immunity from \$100,000 per individual claim and \$200,000 per aggregate claims to \$200,000 per person and \$400,000 aggregate claim per incident. In 2011, the limits rise to \$250,000 per person and \$1,000,000 aggregate per incident.

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h110701c1.pdf>

HB 1287. This bill mainly addresses issues surrounding the Florida Partnership for Minority and Underrepresented Student Achievement, between the DOE and the College Board. The agreement outlines the requirements of an annual report which must be posted on the DOE website. The bill also requires that 100% of FEFP funds received for IB, AICE, and AP must be allocated to the program that generates the funds. The bill amends the method that teacher bonuses are calculated and removes the bonus cap of \$2000.

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h128701c1.pdf>

EXCEPTIONAL EDUCATIONAL BILLS

Three major bills have been filed relating to exceptional education.

HB 81 deals with use, prevention and reduction of seclusion and restraint

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h008100.pdf>

SB 2472 deals with required training, course curricula, and the McKay scholarship

<http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s2472.pdf>

HB 1505 deals with student eligibility for the McKay scholarship program

<http://www.flsenate.gov/data/session/2010/House/bills/billtext/pdf/h150501c1.pdf>

BUDGET

The budget passed the Senate at 1:30pm on Wednesday the 31st and the House passed their version on Thursday, April 1 at 5:00pm. The budgets are far apart. The total budget in the **Senate is \$69.9 Billion** while the **House has a budget of \$67.2 Billion**, a **difference of \$2.7 Billion**. Both budgets currently exceed last year's budget of \$66.54 Billion.

The Senate has included \$435 Million as income from the Seminole gaming compact (not yet approved) and \$883 Million from Federal Medicare (not yet approved by the U.S. Senate) The House has included

\$716.8 Million from the sweep of trust funds and some unencumbered funds. Both Houses included \$2.3 Billion in stimulus funds and have a set aside reserve of over \$1 Billion.

Out of the 55 categories included in the Pre-K-12 Budget, I believe that the two houses are currently in agreement on 18 items. They are not in agreement, but fairly close on 21 items and are not close to agreement on 16 items. Conference may take a long time and there are even whispers that there may be a special session after the revenue picture becomes clearer which would include Race to the Top funds.

The base student allocation is \$3,571.67 in the Senate, is \$3,604.76 in the House and is \$3630.62 in the current year.

Program weights are the same as current year in both budgets.

Total funds per FTE, in the Senate is \$6,881.18 and in the House is \$6814.15. Currently total funds are \$6,866.02.

Class Size Reduction is funded at \$2,880,525,262 in the Senate and \$2,907,278,178 in the House. Last year it was funded at \$2,845,578,849. The State Board of Education requested an increase of \$800 Million over last year. The increase in this budget item is \$35 Million in the Senate and \$62 Million in the House.

Science Lab. Materials were funded at \$3,226,269 in the Senate and at \$3,256,234 in the House.

Science Fair was funded at \$40,798 in the Senate and at \$39,909 in the House.

A side by side of all PreK-12 budget items supplied by Ruth Melton may be found on the **FSBA** web site.

<http://www.fsba.org/userfiles/File/Budget%20Comparison.Revised3-28-10.pdf>

MORE TO FOLLOW

As we are in the last month of the session, we will begin sending brief updates on a weekly basis. We will report the bills receiving action and other information of Legislative importance.