

Emergent Design and Development

Legislative Update

May 5, 2015

As we reported in our earlier newsletters, we have been following 278 Education-related bills which were filed during this session. Due to the surprise of the House adjourning 3 days early, only 23 of these bills passed both Houses and have been sent to the Governor. Of those, 17 have impact on all districts, (4 have been signed into law by the Governor and the remaining 13 are on his desk for action).

We have included a brief summary of each of the 17 bills here in the newsletter. We also included a link to each bill, in case you want to review the complete bill. We have also given an extensive explanation of the major education bill HB 7069, which is 65 pages long - you may wish a further look at this bill.

Because of the hastily truncated regular session, a special session will be required in order to pass the budget. The budget is the only bill required by law which must be passed. The item which seems to be the biggest problem between the House and Senate is a health care issue related to Medicaid and the Low Income Program, both which relate to health care for low income citizens.

The surprise adjournment by the House left hundreds of bills to die because they had not passed both Houses in exactly the same form, as required by Florida Law. These bills cannot be brought back during the special session unless they are specified in the special session call.

It appears that the special session will begin no sooner than June 1st and end no later than June 20th. These dates do not give districts much time to develop and approve an operating budget before July 1st. These dates seem to give the lawsuit, filed by the Governor against the Federal Government, time to be settled. The suit involves the Federal Government's failure to continue the Low income Program.

THE BUDGET

While the budget breakdown between the House and Senate was mainly over health care, there were many differences between the House and Senate in education allocations. Among these were allocations for: maintenance and repair, adults with disabilities, partnership for school readiness, Sparsity, ESE guarantee, Supplemental academic instruction, Transportation, Digital Classrooms, Assistance to low Performing Schools, Mentoring, Best and Brightest Teacher Scholarships, Regional Consortiums, Strategic Statewide Initiatives, and Instructional enhancements.

The Base Student Allocation is \$4,130.20 in the House and \$4,183.74 in the Senate. Total funds per FTE is \$7,129.74 in the House and \$7,122.85 in the Senate. (Currently, the Senate has not funded digital learning, which affects these figures). I believe that most Legislators would still like to have the education funding per pupil at a record high.

Both Houses have agreed on program weights. K-3 Basic decreases from 1.126 to 1.115, 4-8 basic remains 1.000, 9-12 Basic increases from 1.004 to 1.005, ESE level 4 increases from 3.548 to 3.613, ESE

level 5 increases from 5.104 to 5.258, ESOL increases from 1.147 to 1.180, and 9-12 Career Ed increases from 1.004 to 1.005.

All of the budget figures could possibly change in the final budget, as the House and Senate must be in complete agreement on all allocations. Special session will determine the actual figures.

BILLS THAT PASSED OF INTEREST TO K-12 EDUCATORS

HB 5 Guardianship Proceedings <http://www.flsenate.gov/Session/Bill/2015/0005/BillText/er/PDF>

Relates to guardianship proceedings; authorizes a court to refer guardianship matters to mediation; authorizes a court to appoint the office of criminal conflict and civil regional counsel as a court monitor; provides for fees and costs; provides for expert testimony; provides for minor representation and claim settlement; requires notification of an incapacitated person; provides that a business entity may act as guardian; authorizes health care decisions; requires reimbursement for expert witness fees.

HB 41 Gabby's Law for Student Safety

<http://www.flsenate.gov/Session/Bill/2015/0041/BillText/er/PDF>

Relates to hazardous walking conditions; revises criteria that determine hazardous walking conditions for public school students; revises procedures for inspection and identification of such conditions; authorizes district school superintendents to initiate a formal request for correction of hazardous conditions; requires district school boards to provide transportation to students who would be subjected to hazardous conditions; relates to correcting such conditions; relates to civil actions for damages.

HB 87 Construction Defect Claims <http://www.flsenate.gov/Session/Bill/2015/0087/BillText/er/PDF>

Relates to construction defect claims; revises definition of completion of building or improvement; provides additional requirements for notice of claim; revises requirements for response; revises provisions relating to production of certain records; provides for sanctions for unsupported claims under certain circumstances.

HB 149 Grandparents and Visitation of a Minor Child

<http://www.flsenate.gov/Session/Bill/2015/0149/BillText/er/PDF>

Authorizes the grandparent of a minor child to petition a court for visitation; provides for the payment of attorney fees and costs by a petitioner who fails to make a prima facie showing of harm; provides applicability of the Uniform Child Custody Jurisdiction and Enforcement Act; limits the frequency of actions seeking visitation; limits applicability to a minor child placed for adoption; relates to the effect of adoption of a child by a stepparent on grandparent visitation rights.

SB 248 Recording of Law Enforcement Activities

<http://www.flsenate.gov/Session/Bill/2015/0248/BillText/er/PDF>

Relates to public records; defines the terms body camera and personal representative; provides that a body camera recording is confidential and exempt from public records requirements under certain circumstances; provides exceptions; requires a law enforcement agency to retain body camera recordings for at least a specified period; provides for retroactive application; provides for future legislative review and repeal of the exemption; provides a statement of public necessity.

HB 541 Athletic Trainers <http://www.flsenate.gov/Session/Bill/2015/0541/?Tab=BillText>

Deletes the requirement for the Governor to appoint the initial members of the Board of Athletic Training; revises the board's authorization to adopt certain rules relating to specified communication; revises requirements for licensure; revises responsibilities of athletic trainers to include requirements that a trainer must practice under the direction of a physician; specifies certain prohibitions related to sexual misconduct and misrepresentation; revises grounds for disciplinary action.

HB 565 Retirement and Senior Management Service Class

<http://www.flsenate.gov/Session/Bill/2015/0565/BillText/er/PDF>

Relates to retirement; authorizes local agency employers to reassess designation of positions for inclusion in Senior Management Service Class; provides for removal of certain positions.

SB 702 Revisers Bill <http://www.flsenate.gov/Session/Bill/2015/0702/BillText/er/PDF>

Relates to reviser's bill includes provisions governing the enforcement of the motor fuel tax, commercial lines categories insurance, and dropout retrieval program contracted by the Department of Juvenile Justice. (Enacted)

SB 704 Revisers Bill <http://www.flsenate.gov/Session/Bill/2015/0704/BillText/er/PDF>

Relates to reviser's bill, to include the contracting of health care under the Medicaid program, motor fuel tax collections, and continuing education for licensees who solicit or sell life insurance. (Enacted)

SB 706 State Statutes Unused Rulemaking Authority

<http://www.flsenate.gov/Session/Bill/2015/0706/BillText/er/PDF>

Summary: Prepares a reviser's bill, to omit all statutes and laws, and parts thereof, which grant duplicative, redundant or unused rulemaking authority; includes the Long-Term Care Insurance Partnership Program in the State, and State government contracting with psychiatric hospitals. (Enacted)

HB 747 Bright Futures Scholarship Program

<http://www.flsenate.gov/Session/Bill/2015/0747/BillText/c2/PDF>

Relates to Bright Futures scholarship program; delays an initial award and renewal period for students unable to accept an award immediately after completion of high school due to a certain religious or service obligations; revises eligibility requirements for home education students; requires a student, as a prerequisite for certain awards to identify a social or civic issue or a professional area of interest and plan for his or her personal involvement in addressing the issue or learning about the area.

SB 778 Local Government Construction Preferences

<http://www.flsenate.gov/Session/Bill/2015/0747/BillText/c2/PDF>

Relates to local government construction preferences; prohibits local ordinances and regulations from restricting competition for the award of a contract for construction services based upon certain conditions; requires a state college, county, municipality, school district, or other political subdivision of the state to make specified disclosures in competitive solicitation documents.

SB 954 Involuntary Examinations of Minors

<http://www.flsenate.gov/Session/Bill/2015/0954/BillText/er/PDF>

Relates to involuntary examinations of minors; revises the definition of emergency health needs; includes health care surrogates and proxies as individuals who may act on behalf of a minor; specifies notification requirements for receiving facilities, public schools, charter schools, principals or their designees; requires school health services plans to include notification requirements; requires district school boards and charter school governing boards to develop notification policies and procedures.

HB 1309 Publicly Funded Retirement Plans

<http://www.flsenate.gov/Session/Bill/2015/1309/BillText/er/PDF>

Relates to publicly funded retirement plans; requires that actuarial reports for certain retirement plans include mortality tables; revises information to be included in defined benefit system or plan's annual report to the Department of Management Services; provides declaration of important state interest.

SB 7016 Minor Identifying Information

<http://www.flsenate.gov/Session/Bill/2015/7016/?Tab=BillText>

Relates to Open Government Sunset Review Act (OGSR)/minor identifying information; amends provisions relating to an exemption from public record requirements for certain information that could identify a minor petitioning a court to waive parental notice requirements before terminating a pregnancy; saves the exemption from repeal under the Open Government Sunset Review Act.

HB 7019 Workforce State Inc <http://www.flsenate.gov/Session/Bill/2015/7019/BillText/er/PDF>

Relates to workforce services renaming; conforms provisions to changes made by the act; makes technical changes; creating a task force on preparation for the state's implementation of the federal Workforce Innovation and Opportunity Act; provides membership and duties of the task force; requires the task force to submit a report and recommendations for approval by Career Source Florida, Inc.; requires Career Source Florida, Inc., to submit a specified state plan to the United States Department of Labor.

HB 7069 Education Accountability **(THE MAJOR EDUCATION BILL OF THE SESSION)**
<http://www.flsenate.gov/Session/Bill/2015/7069/BillText/er/PDF>

Revises a requirement for the uniform opening date of public schools; deletes provisions relating to assessment for students with reading deficiencies and remediation for certain students; revises certain requirements for standard diplomas; requires that high-performing school districts comply with certain provisions; relates to student assessments; deletes requirements related to student progression plans and college readiness; provides for funds; revises provisions relating to personnel evaluation. (Enacted)

SOME NOTABLE BILLS THAT DID NOT PASS

SB 948 Of the bills that did not pass, SB 948 was the most comprehensive. It was the “Education Train” with about 20 individual bills attached. Among the issues in this bill were:

- Language about the Agency for State Technology.
- Digital classrooms information technology architecture standards.
- Defined journey worker, pre and apprenticeship programs.
- Language about Florida Community College System institutions and career/technical centers.
- DOE has to collaborate with Agency for State Technology.
- Technical center governing boards may not approve college credit courses or college credit certificates, associate degree, or baccalaureate degree programs.
- Authorized school boards to adopt a standard student attire policy (uniforms).
- Codified primary mission of career tech centers and cannot use college in their title or offer college credit course.
- Returned Florida College System to “Florida Community College System.”
- Mission and Responsibilities for SUS.
- Charter technical career centers – Codifies primary mission of such centers.

- Required instruction to include 9/11 terrorist attacks.
- Added Chancellor of Career and Adult Education to Higher Education Coordination Council.
- Textbooks and instructional materials affordability for college.
- Rapid response education and training program.
- Dual Enrollment for private school students.
- Collegiate high school program.
- Florida Community College System institution may not offer a Bachelor of Arts degree program.
- Lowest 300 performing schools language
- CAPE bonuses.
- Sparsity index for counties with 20,000 to 24,000 students.
- To receive, Florida Digital Classroom Allocation, must submit digital classrooms plan by Aug. 1.
- Required independent audit if administration of online assessments after 1/1/2015 does not comply with minimum assessment protocols and requirements established by department.
- Beginning in 2016-2017 to receive digital classrooms allocation funds, district must undergo annual assessment and annual independent verification of its use of funds.
- Florida Apprenticeship Grant or FLAG Program.
- Teacher's evaluation must be based on performance of students with fewer than 25 absences within school year, etc.
- School board may not require student interns to purchase liability insurance.
- Florida Teachers Classroom Supply Assistance Program.
- Required DOE to administer educator liability insurance program beginning with the 2015-2016 school year.
- SUS Performance Based Incentive Program.
- Florida College System Performance Based Incentive Program.
- School District Construction Flexibility
- SUS Capital Outlay.

Most educators were glad to see this bill fail.

These bills also failed:

HB 7137 FSHAA Bill
HB 1145 Parents rights, open enrollment
HB 7017 Early Learning
HB 587 Reorganization of the Ed. Practices Commission
HB 7037 and HB 665 Charter School Legislation
HB 7043 School Uniforms
SB 602 Students with Disabilities
HB 1319 Financial Literacy

HB 7069 AS DELIVERED TO THE GOVERNOR-----THE MAJOR BILL

<http://www.flsenate.gov/Session/Bill/2015/7069/BillText/er/PDF>

Consists of 14 sections, **outlined briefly below, a must read bill for all educators**

Section 1. School start date can be no sooner than August 10.

Section 2. Removes language requiring assessment of reading for each k-3 student

Section 3. Amends middle school promotion language requiring remediation of ELA math for level 1 and 2 students.

Section 4. Removes requirement of remedial course for students scoring level 1 or 2 on 9th or 10th grade ELA or Algebra 1 EOC.

Section 5. Removes 11th grade ELA as a requirement for Scholars designation

Section 6. Requires High Performing districts to conform to Section 1.

Section 7. When available, the student assessment program must provide teachers with information on student achievement of standards and benchmarks to provide instruction.

Identifies EOC assessment (Alg.1, Geometry, Alg.2, Biology 1, US History, and civics) Students must take the EOC and may not take the FSA. The results count 30% of the final grade. (1003.4156 and 1003.4282 Florida Statutes)

The FSA, Alg.1, and Geometry assessments must be Computer based. (also establishes an implementation schedule)

Requires that performance results on standardized assessments and EOCs be provided to teachers and parents by the end of the school year.

Requires DOE to seek liquidated damages over spring 2015 administration

Except for subjects measured by statewide program, the measurement of student performance is the responsibility of the school district.

The Commissioner must maintain a statewide item bank (based upon district participation)

The Commissioner must establish schedules for administration and reporting the results of statewide assessments

Districts must establish and have School Board approval of assessment schedules (must publish)

Districts may not schedule more than 5% of a student's total school hours for the administration of statewide and district assessments. Does not include AP, IB, or AICE etc.

The statewide EOC must be used as the final exam. No additional exam may be administered

Districts have 30 days after administration of local assessments to provide teachers and parents the results

Section 8. Allows districts to have paraprofessionals proctor exams, after receiving training

Section 9. Sets the requirements for intervention and remediation for students. Includes students not achieving level 3 or above on ELA or math assessments. A good cause exemption is granted for ELA students, who have less than 2 years of instruction.

Section 10. Deletes requirement that districts administer postsecondary readiness assessments.

Section 11. If a school using a turnaround option improves at least one letter grade in the 2014-2015 school year, implementation of a turnaround option is no longer required and only implementation strategies identified in the school improvement plan must be continued.

Until such time as an independent verification of the psychometric validity of the statewide standardized assessments first implemented in 2014-2015 is provided for purposes of grade 3 ELA student performance and high school graduation requirements, student performance on the 2014-2015 statewide, standardized assessments must be linked to 2013-2014 student performance expectations.

Students who score in the bottom quintile on the 2014-2015 grade 3 ELA must be identified as students at risk of retention. Districts must notify parents.

An independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 must be completed before the 2014-2015 school grades results may be published and before the student performance data resulting from such assessments may be used for purposes of instructional personnel and school administrator evaluations.

The independent entity must be selected by a panel consisting of one member appointed by the Governor, one member appointed by the President of the Senate, and one member appointed by the Speaker of the House of Representatives.

The panel must select the independent entity no later than June 1, 2015. The Department of Education shall contract with the independent entity to perform the independent verification, which must be completed by September 1, 2015.

Section 12. The Commissioner must publish on the DOE website by Feb. 1st the status of each districts teacher and school administrator evaluation system. This information must include an analysis that compares performance evaluation results calculated by each district to indicators of performance calculated by DOE using the standards of performance adopted by the SBE. The evaluation systems must provide timely feedback to teachers and school administrators.

The performance evaluation criteria are modified and must include:

- Student performance - At least **one-third** must be based on data and indicators of student performance. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, students attending the school over the course of at least 3 years.
- Instructional practice – For instructional personnel, at least **one-third** of the performance evaluation must be based on instructional practice.
- Instructional leadership – For school administrators, at least **one-third** of the performance evaluation must be based on instructional leadership.
- Other indicators of performance – For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the SBE or identified by the school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.
- All personnel must be fully informed of the criteria, data sources, and methodologies and procedures associated with the evaluation process before the evaluation takes place.

Measurement of Student Performance – Statewide formula (VAM) to measure learning growth on FSA is maintained but the commissioner is no longer required to select additional formulas to measure student performance on the remainder of statewide, standardized assessments.

Each district must measure student learning growth using formulas **approved by the commissioner and for standards for performance levels adopted by the SBE.**

For **local assessments, each school district must measure student performance using a methodology determined by the district.** Consequently, districts have the flexibility to determine how to measure student performance for local assessments.

No later than August 1, 2015, the SBE must adopt rules to establish uniform procedures and format for the approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators; specific discrete standards for each performance level, based on student learning growth models approved by the commissioner.

Section 13.

Due to a series of repeals, districts now have the flexibility to measure student performance in those subjects and grade levels not assessed by a statewide assessment.

Section 14. Technical/conforming language.

INFORMATION OF INTEREST

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE: (10 PAGES) http://feaweb.org/_data/files/EVALUATIONS/dps-2013-14b.pdf

6A-5.030: Instructional Personnel Assessment Systems

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish uniform procedures and format for the submission, review and approval by the Department of Education of school district systems for personnel evaluation under Section 1012.34, Florida Statutes and reporting requirements for the annual evaluation of instructional personnel and school administrators. This rule also addresses procedures and requirements for monitoring each district's implementation of its instructional personnel and school administrator evaluation systems for compliance with Section 1012.34, F.S. Rule revisions will implement changes to Section 1012.34, Florida Statutes, since the Student Success Act (SB 736) of 2011, including the inclusion of school administrator evaluation systems.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE: (10 PAGES) http://feaweb.org/_data/files/EVALUATIONS/dps-2013-14a.pdf

6A-5.0411 Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations

PURPOSE AND EFFECT: The purpose and effect of this rule development is to fulfill requirements under Section 1012.34, Florida Statutes, including the adoption of the formula that measures individual student learning growth, as approved by the Commissioner of Education, and to adopt performance level standards based on this formula using statewide, standardized assessment data.

HOW WILL FLORIDA ELEMENTARY SCHOOLS DEAL WITH THIRD GRADE RETENTION?

Florida law no longer requires 3rd grade retention. In June the DOE will inform school districts which children scored in the bottom 20% on the Florida Standards Assessment, so they can make appropriate placement (summer remedial work, retention, or promotion). Third graders took the test on paper so troubles related to the computer scoring will not affect the test results.