



# Department of Education

## Legislative Update

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# 2003 Legislative Session Update



## Statistics

**1405** Senate bills, resolutions, or memorials filed

**975** House bills, resolutions, or memorials filed

**2380** Total Bills Filed as of 4/11/03



## 2003 Legislative Session Update

- As of 04/14/03 the Department of Education's Governmental Relations Office is tracking **349 Bills** – more than half are K-12 related bills
- As of 4/14/03, 112 agency Bill Analyses have been delivered to the House and Senate



# 2003 Legislative Session Update

## Overview of Education Bills

### Presented to Governor Bush

None

### Passed both the House and Senate (Enrolled)

**SB 160 by Wise, Relating to Controlled Substances** – Prohibits sale, manufacture, deliver, or possession of 1,4-Butanediol and 6 gamma-butyrolactone (GBL) within 1000-feet of child care facility or specified schools.

### Passed House of Representatives

**HB 1747 by Kilmer - Relating to Career Education Nomenclature** – Changes terminology from Career and Technical Education, to Career Education.



# 2003 Legislative Session Update

## Overview of Education Bills (Continued)

### Passed the Senate

**SB 162 by Wise – Relating to American Sign Language** – Allows American Sign Language to be used to meet the foreign-language requirement for high school graduation.

**SB 198 by Miller – Adult Entertainment establishes** – Requires an adult entertainment establishment locating within 2,500 feet of a school, in which an exemptions to law is being requested, to obtain approval of the district school board, as well as county or municipality.

**SB 1436 by Appropriations Committee – Class-Size Amendment implementation** – Establishes requirements for maximum class-size and provides accountability for class size reduction measures. Also provides for a number of measure and tools in which school districts can implement requirements of constitutional amendment.

**SB 1838 by Aronberg – K-12 Instructional Materials** – Requires publishers to provide & single book price for adopted instructional materials, in order for school districts to buy individual materials in core subject areas rather than as a part of an adopted package or bundle.



# 2003 Legislative Session Update

## Other Bills of Interest

### **SB 1100 by Fasano/ HB 805 by Baker - Military Dependents/Scholarships**

Establishes a program for contributions to nonprofit scholarship-funding organizations to be used for dependent children of veterans & military personnel. Also provides for tax credits to be granted each year to corporations for such contributions. (Appropriates \$10,000,000 of the \$50,000,000 from monies ear-marked for Class Size Reduction from General Revenue)

### **HB 119 by Zapata - Relating to Students/Resident Status/Tuition (SB 1628 by Wilson)**

Provides for determination of residency for tuition purposes by allowing an exemption from paying nonresident tuition at public postsecondary institutions to non-resident aliens that meet certain criteria: resided in FL for at least three consecutive years immediately preceding the receipt of a high school diploma and filing of an affidavit stating the student will apply to become a permanent resident of the U.S.

### **HB 467 by Quinones/ SB 2546 by Diaz de la Portilla - Public Schools/FCAT/ Native Language**

Allows students in the ESOL program who have been in U.S. for less than 2 years to take 10<sup>th</sup> grade FCAT in their native language. Bill provides for accommodations for students who are unable to pass the examination due to language deficiencies. Bill requires students to be in 12<sup>th</sup> Grade, and they must have a GPA of 2.5 or above and will not have another opportunity to take the FCAT before graduation.

**HB 917 by Baxley/SB 638 by Clary- Relating to Student Tuition Assistance** - Creates Access to Better Learning & Education Grant Program, which provides grants to students attending postsecondary for-profit institutions. Originally, the bill was limited to: Keiser College, South University and Al Miami-International University of Art & Design. An amendment was approved expanding the eligible schools provision to include non-profit institutions with out of state charters who have been operating in Florida for ten or more years.

### **SB 426 by Clary/ HB 157 by Sansom - Relating to State Group Insurance Programs**

Expands eligibility for participation in state group health insurance program & prescription drug coverage program, to all district school boards rather than just to those that qualify based upon small population or eligibility for a sparsity supplement in the Florida Educational Finance Program.

## 2003 Legislative Session Update

# Constitutional Amendments

## 2003 Legislative Agenda



## Constitutional Amendments: Class-Size

*Requires the Legislature to provide funding for sufficient classrooms so that there be a maximum number of students in public school classes for various grade levels; requires compliance by the beginning of the 2010 school year; requires the Legislature and not local school districts, to pay for the costs associated with reduced class size; prescribes a schedule for phased-in funding to achieve the required maximum class size.*

*(Refer to the Class Size Side-by-Side for a comparison of House Bill 703 and Combined SB's 1436 & 1646)*



# Constitutional Amendments: Class-Size

## Class Size

*(CS/HB 703 by Representative Pickens and CS/SB 1436 & 1646 by Senator's Constantine and Carlton)*

### Major Similarities

- Core-curricular courses are defined as math, language arts/reading, science, social studies, foreign language, ESOL, ESE, and courses taught in traditional self-contained elementary school classrooms
- Provides that districts must consider toolbox items to implement class size reduction (the House provides for 13 implementation options and the Senate provides for 11 options)
- Uses a phased in definition of average:
  - 2003-2004 through 2005-2006, uses a district average by grade groupings
  - 2006-2007 through 2007-2008, uses a school average by grade groupings
  - 2008-2009 through 2009-2010, uses an individual classroom calculation
- Requires school boards that do not currently meet the 18, 22, 25 class size caps to hold public hearings prior to adoption of 2003-2004 budget to review school attendance zones
- Creates the Class Size reduction lottery revenue bond program to provide additional lottery bonding authority (House and Senate differ on total amount)
- Removes the cap on the number of charter schools authorized in school districts
- Requires school districts to annually notify parents at the beginning of each school year, of opportunities for students in AP, IB, AICE, dual enrollment and FLVS courses
- Requires DOE to review rules related to school construction and make recommendations for changes to remove unnecessary or outdated requirements and report recommendations to SBE



# Constitutional Amendments: Class-Size

## Class Size (Continued)

### Major Differences

- The Senate bill is titled the “Class Size Reduction Act” and the House is “Quality Education Act”
- The Senate provides that the Governor may suspend a district school board that does not comply with the class size requirements and implementation
- Exceptions to maximum class size caps (House version does not include charter schools, Florida Virtual High School, AP, IB and dual enrollment courses within the definition of core curricular classes)
- Accountability funding, use of accountability hammers, and final accountability compliance by the Department of Education is initiated a year earlier in the Senate version
- The House creates the FLAG Grant program to provide \$3,500 grants (*adjusted annually by CPI*) to students who choose to attend an eligible private school
- The Senate provides that the Governor may suspend a district school board that does not comply with class size requirements and implementation
- The House creates the Kindergarten Grant program to provide \$3,500 grants (*adjusted annually by CPI*) to kindergarten students to choose to attend an eligible private school
- The House creates the K-8 Virtual School Grants program to provide \$4,800 grants (*adjusted annually by CPI*) to K-8 students to choose to participate in a K-8 virtual school.
- The House amends the current corporate income tax credit scholarship program
- The House creates three high school graduation options:
  - Regular high school program (*current law – 15 ½ required credits & 8 ½ electives*)
  - 3-year standard college prep program (*15 academic credits & 3 electives*)
  - 3-year career prep program (*15 academic credits & 3 electives*)



# Constitutional Amendments: Class-Size

## Major Differences – Teacher Issues

1. The House incorporated CS/HB 901 – the Better Educated Students and Teachers (BEST) Florida Teaching Act of 2003 into the class size package
2. The House extends DROP from 5 yrs to 8 yrs for K-12 instructional personnel, subject to approval by the school superintendent, while the Senate version includes K-12 instructional personnel, school-based administrators, and district-based administrators, subject to approval by the school superintendent
3. Both bills streamline teacher certification processes; however, the House bill allows reciprocity of teaching certificates with one-year of prior experience (the Senate version does not require the additional experience)
4. Adjunct teacher certification – the House version eliminates one of the renewal requirements of 3 semester hours of college credit
5. The House version requires districts to review and consider amending any collective bargaining contract that may hinder provisions of the act (the Senate version does not address this issue)



# Constitutional Amendments: Class-Size

## Major Budget Issues

### Operational Funding

#### ***Class Size Reduction Categorical***

EOG = \$628.2 million\*

House = \$300 million (allocated on district's proportional share of Base FEFP)

Senate = \$464.9 million (funds distributed based on FTE enrollment)

#### ***Business Incentives for Class Size Reduction***

House = \$50 million (proposed increase in corporate scholarship program)

### Capital Outlay Funding

#### ***Lottery Revenue Bond Program***

EOG = \$873 million

House = \$60 million (authorizes up to \$600 million in bonded proceeds)

Senate = \$77 million (authorizes up to \$1.4 billion in bonded proceeds)

#### ***Infrastructure Needs***

EOG = \$481 million

House = \$137.9 million (PECO new construction) and \$85 million (CO&DS)

Senate = \$665 million (contingent upon Lottery bonded proceeds)

#### ***District Effort Recognition Program***

Senate = \$35 million (contingent upon Lottery bonded proceeds)

\* The Governor's recommendation was based on the Revenue Estimating Conference figure.



# Constitutional Amendments: Pre-K

## Voluntary Universal Pre-K

*Every four-year-old shall be offered a high quality pre-kindergarten learning opportunity by the state no later than the 2005 school year. This voluntary early childhood development and education program shall be established according to high quality standards and shall be free for all Florida four-year-olds without taking away funds used for existing education, health, and development programs.*



# Constitutional Amendments: Pre-K

## House Bill CS/HB 193 and Senate Bill CS/SB 1334

*(Sponsor's Representative Barreiro and Senator Garcia)*

The State Board of Education will discuss a proposed Board action pertaining to approval of the creation of an advisory council for the purpose of providing recommendations regarding the implementation of universal pre-kindergarten education programs.

*(Refer to the Universal Pre-K Side-by-Side for a comparison of House Bill 193 and SB 1334)*



# Constitutional Amendments: Board of Governors

## Board of Governors

*A local board of trustees shall administer each state university. Each board shall have thirteen members dedicated to excellence in teaching, research, and service to community. A statewide governing board of seventeen members shall be responsible for the coordinated and accountable operation of the whole university system. Wasteful duplication of facilities or programs is to be avoided. Provides procedures for selection and confirmation of board members, including one student and one faculty representative per board.*

*(Refer to the Board of Governors Side-by-Side for a comparison of HB 319 and SB 1520)*



# Constitutional Amendments: Board of Governors

## Senate Bill 1520 and House Bill 319

*(Sponsor's Senator Constantine and Representative Mealor)*

### Major Similarities

- Creates the Board of Governors consisting of seventeen members. Fourteen members are appointed by the Governor and are subject to Senate confirmation
- Establishes a board of trustees consisting of thirteen members to administer each university. Each board shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors
- Provides for staggered terms for the Florida Board of Governors and university boards of trustees
- Creates the Florida Uniform Management of Institutional Funds Act (UMIFA) – national guidelines for investment and expenditure of endowment funds



# Constitutional Amendments: Board of Governors

## Senate Bill 1520 and House Bill 319 (Sponsor's Senator Constantine and Representative Mealor)

### Major Differences

- Staggered terms differ between the House and Senate

For the Board of Governors – the House provides that for the initial appointments: 4 members shall serve 2-year terms, 5 members shall serve 3-year terms, and 5 members shall serve 7-year terms and the Senate: 4 members shall serve 6-year terms, 5 members shall serve 5-year terms, and 5 members shall serve 4-year terms.

For the university boards of trustees - the House provides that for the initial appointments of the Governor: 2 members shall serve 2-year terms, 3 members shall serve 3-year terms, and 1 member shall serve a 5-year term and the Senate: 1 member shall serve a 3-year term, 3 members shall serve 4-year terms, and 2 members shall serve 5-year terms.

The House provides that for the initial appointments of the Board of Governors: 2 members shall serve 2-year terms, 2 members shall serve 3-year terms, and 1 member shall serve a 5-year term and the Senate: 1 member shall serve a 3-year term, 2 members shall serve 4-year terms, and 2 members shall serve 5-year terms.

- Determination of residency for tuition purposes (only contained in Senate version) - revises residency determination by requiring 12 months of state residency immediately prior to initial enrollment and documented evidence for residency is revised to require evidence such as the purchase and residence of a home in the last 12 months or full-time employment
- Requires UCF to play USF in football each year (only contained in Senate version)



# 2003 Legislative Agenda

## Legislative Priorities

- Quality Teachers and School Administrators
- Education Practices Commission
- Postsecondary Access for ESE students
- Student's Education/Parent & Family Involvement
- K-20 Accountability
- Charter School Accountability



# 2003 Legislative Agenda

## Quality Teachers and Administrators

*Combined CS/SB 1032, 2418 and 2496 and Combined CS/HB 703 and 901  
(Senator's Constantine, Lynn and Atwater and Representative's Pickens and Kilmer)*

### Major Similarities

- Enhances the teacher's authority in handling disruptive students and recommending appropriate disciplinary action
- Reforms teacher preparation program requirements and mandates minimum requirements for content of core curricula
- Establishes a First Response Center of one-stop shopping on teaching careers in Florida
- Establishes the Teacher Lifeline Network to provide online support to beginning teachers
- Requires school boards to designate differentiated categories of classroom teachers based on competencies and performance
- Authorizes school boards to pay student teachers during their internships
- Prohibits school boards from assigning a higher percentage of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to "D" and "F" schools
- Authorizes the Commissioner to conduct K-20 education leadership institutes
- Establishes an Executive Principal Incentive Program for school principals



# 2003 Legislative Agenda

## Quality Teachers and Administrators (Continued)

### Major Differences

- The Senate bill is titled the “Better Educated Students and Teachers (BEST) Florida Teaching Act of 2003” and the House version is the “Quality Education Act”
- The House version requires school boards to employ personnel to perform paperwork and record-keeping to assist teachers
- The Senate version strikes reference to specific institutions of higher education to allow pilot programs to be established at any college or university with State-approved initial educator preparation programs - given the approval of the Commissioner of Education
- The House version creates the Teaching Fellows Program as an incentive for graduate students in mathematics, science, engineering, and other critical teacher shortage areas designated by the State Board of Education to become teachers (provides annual stipends)
- The House version establishes a minimum teacher salary of no less than \$31,000 in each district, while the Senate version states the State Board of Education shall convene a statewide advisory council of teachers and education stakeholders to develop a long-range plan for a differentiated teacher pay model for the 2004-2005 academic year
- The House version authorizes school boards to provide salary incentives for their differentiated teacher framework (salary supplement of up to \$10,000)



# 2003 Legislative Agenda

## Other bills relating to teachers...

### **HB 83 by Brummer - FRS/Instructional Personnel/DROP** (SB 328 by Pruitt)

Extends the length of time instructional personnel may participate in the DROP from 60 months to 96 months, at the discretion of the district school superintendent.

### **SB 1652 by Fasano - Bargaining Agent's Dues/Assessments** (HB 1357 by Brummer)

Eliminates right of Unions to have certain dues & assessments deducted & from employees and prevents said funds for being used to fund campaigns, and political related issues.

**HB 265 by Mayfield, SB 1380 by Clary and SB 958 by Gov't Oversight committee**, all have provisions which extends DROP provisions allowing participation in program to school-based school administrators.

### **HB 1735 by Brummer- Public School Teachers/Salaries** (SB 2512 by Cowin)

Proposes a constitutional amendment to allow public school teachers in kindergarten through grade 12 to choose to accept salary set statewide by Legislature or to join union that will seek to set teachers' salaries through collective bargaining.



# 2003 Legislative Agenda

## Education Practices Commission

*(House PCB-EDK 03-04 and SB 2006 by Senator Clary)*

**This bill is aimed at making the operations of the Education Practice Commission (EPC) more cost efficient and strengthening disciplinary actions of the commission.**

- Requires all certified educators and applicants for certification to maintain a current address with the Department.
- Reduces the number of members required to serve on the EPC's disciplinary panel from seven to five. (which will reduce costs for travel, and administration of case review)
- Increases the period of time for which an educator's certificate may be suspended from 3 years to 5 years.
- Expands the circumstances under which the EPC can issue an order to show cause (rather than having to conduct an investigation and probable cause process) to include any violation of a final order of the EPC (rather than just a probation violation which is current law).
- Replaces the current notarized application for teacher certification with an affidavit which will enable potential teachers to apply online.



# 2003 Legislative Agenda

## Postsecondary Access for ESE Students

(HB 1739 by Representative Kilmer and SB 2576 by Senator Wise)

### ***“Implement Select Recommendations of the Blue Ribbon Task Force”***

- Provides for a waiver of the FCAT requirement for graduation for students with disabilities, whose IEP committee has determined that the FCAT does not accurately measure their ability, even with appropriate accommodations.
- Specifies that students must have the required courses and grade point average, and must have attempted the FCAT twice to be eligible for the FCAT waiver.
- Requires school districts to provide instruction to prepare students with disabilities for grade-to-grade progression and high school graduation.
- Clarifies that students with a certificate of completion may enroll in certificate career education programs.
- Allows any reasonable substitution of requirements for graduation, admission to public postsecondary education, study program admission, and entry into upper division. Requires the State Board of Education to adopt rules to implement this provision and to develop substitute requirements where appropriate.
- Requires the State Board of Education to review and report on acceleration mechanism courses.



# 2003 Legislative Agenda

## Family and School Partnership for Student Achievement Act

*(House PCB EDK 03-06 by Education K-20 and SB 1522 by Constantine)*

- Creates a program to promote parental and family involvement in all aspects of their child's educational program and service choices.
- Schools will be required, within 30 days of a student's enrollment in a public school, to provide the parents with information such as:
  - Parental rights to information regarding their child's progress toward achieving state and district expectations for academic proficiency
  - Services available for parents and their children
  - Opportunities for parents
  - School choices such as charter schools, public magnet schools, alternative schools, home schools, etc.
  - Classroom and test accommodations available for children with disabilities
- The Department of Education shall develop and disseminate a checklist for districts to share with parents to guide their involvement in their child's educational progress
- Establishes a parent response center to provide assistance to families



# 2003 Legislative Agenda

## K-20 Accountability

*(HB 915 by Representative Pickens and SB 2296 by Senator Carlton)*

- Creates a single, unified accountability system in compliance with the Federal, No Child Left Behind Act of 2001.
- Requires State Board of Education to adopt guiding principals for establishing state and sector specific standards and measures and to to adopt the guidelines required to implement performance funding and clarifies implementation schedule.
- Establishes December 4, 2004 as the date in which the Department recommends to the legislature the formula for performance funding that apply these accountability standards at every level of the K-20 system.
- Requires the Department of Education to compare other standardized assessments such as; SAT, ACT, PSAT, etc. for equivalency with the FCAT, potentially reducing the number of tests required for high school graduation.



# 2003 Legislative Agenda

## Charter Schools

*(HB 1279 by Representative Baxley and SB 2242 by Senator Webster)*

### Similarities

- Establishes a set of Guiding Principles for charter school applications and operations which include an emphasis on reading as a primary focus
- Provides increased accountability for approval of charter schools - requires charter schools to participate in the state's accountability program
- Requires all sponsors of charter schools to intervene for the purposes of improvement and/or imposing sanctions on under-performing charter schools
- Provides that all charter schools conduct internal audits and that the results of the audits be compared with the financial projections contained in the charter application
- Repeals all numerical caps on how many charter schools may operate in any county
- Increases the time the SBOE has to act on charter school application appeals from 60 days to 90 days



# 2003 Legislative Agenda

## Higher Education Finance Policy

- Bright Futures Scholarship Program (*HB 1745 by Education K-20 and no Senate version*)
  - Requires the submission of a completed Free Application for Federal Student Aid, effective for the 2004-2005 academic year
  - Provides for students who discontinue their postsecondary education to enlist in the military to have the remainder of their 7 year renewal begin at the time of their separation from active duty
  - Effective 2007-2008, the Legislature shall set the award amount for Bright Futures scholarships
  - Requires a minimum SAT score of 1270 or equivalent score on the ACT for the Academic Scholarship
  - Beginning with initial Medallion Scholarships for the 2004-2005 academic year, students who have completed a college preparatory curriculum must score a minimum 1050 on the SAT or equivalent score on the ACT
  - Provides that a student who is unable to document completion of a college preparatory curriculum must score 1150 on the SAT or equivalent score on the ACT
  - Repeals Section 1009.539, F.S., relating to Florida Bright Futures Scholarship Testing Program
- Florida Pre-Paid Program (there are a number of bills filed; however, the bills are not moving)



# 2003 Legislative Agenda

## FCAT Confidentiality

### *“Ensure the confidentiality of the Florida Comprehensive Assessment Test”*

- Clarifies law relating to what constitutes a “student record” and expands the definition to include the language; “all student examination and assessment instruments administered are not student records”. Therefore making these materials not subject to the same disclosure as other student records.
- Bill specifically includes any examination and assessment instruments relevant to requirements for high school graduation, the Student Assessment Program for public schools and student progression; remedial instruction; reporting requirements.
- Bill directs the Department of Education to submit a Study by December 31, 2003, on the feasibility of making available to parents previously administered copies of the FCAT, while still protecting the integrity of the test. The study to include the approximate costs and a proposed timetable for implementation.

Withdrawn





# Department of Education

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Florida Department of Education

**Governmental Relations Office**

K-20

