



STATE BOARD OF EDUCATION – LEGISLATIVE UPDATE SPECIAL SESSION A



May 20, 2003

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Special Session A - Education Bills

Education Bill Number/Bill Title	Sponsor	Current Status	Special Session A Final Action
HB 47 - Relating to Quality Education	Kilmer	05/15/03 HOUSE - Read 2nd time; Amendments failed; Now on 3rd Reading	
SB 30 - Relating to Quality Education	Constantine	05/16/03 SENATE - Read 2nd time; Amendments failed; Read 3rd time; Passed; 35 YEAS, 0 NAYS; In House Messages	
HB 51 - Relating to Board of Governors/State Universities	Mealor	05/15/03 HOUSE - Read 2nd time; Now on 3rd Reading	
SB 36 - Relating to Board of Governors/State Universities	Constantine	05/15/03 SENATE - Favorable with 1 amendment by Education; 8 YEAS, 0 NAYS; Placed on Calendar; Now on 2nd Reading	
HB 55 - Relating to Charter Schools	Baxley	05/15/03 HOUSE - Read 2nd time; Amendment failed; Now on 3rd Reading	
SB 38 - Relating to Charter Schools	Webster	05/15/03 SENATE - Favorable by Education; 8 YEAS, 0 NAYS; Placed on Calendar; Now on 2nd Reading	
HB 49 - School Code Glitch Bill	Mealor	05/15/03 HOUSE - Read 2nd time; Now on 3rd Reading	
No Senate Companion			
HB 45A - FCAT Native Language	Quinones	05/15/03 HOUSE - Read 2nd time; Amendment failed; Now on 3rd Reading	
No Senate Companion			
SB 20A - Relating to Funding for K-12 Programs	Carlton	05/16/03 SENATE - Read 2nd time; Read 3rd time; Passed; 36 YEAS, 0 NAYS; Requested House to concur, if refused to concur substance added to Conference Committee; In House Messages	
No House Companion			
HB 57A - Relating to Nonprofit Scholarship-Funding Organizations	Baxley	05/16/03 HOUSE - Read 2nd time; Amendments failed; Read 3rd time; Passed; YEAS 73, NAYS 40; Requested Senate to concur, or failing to concur, add to appropriations conference; In Senate Messages	

NOTE: Second and Third Reading - Upon receiving a bill which is ready to be heard on the Floor of either the House or Senate, a bill is placed on the Calendar. Once on the Calendar, the bill must be placed on the Special Order Calendar in order for it to receive consideration by the House or Senate. At this time, the bill is in its Second Reading (First Reading does not actually include a reading of the bill, and a bill is considered on First Reading when it is introduced to the Calendar). The bill is then read for the third and final time during a session. This is when the bill is debated and put to a final vote. If it is approved by the Chamber in which it is being heard, it is then sent to the remaining chamber and is said to be in Messages.

State Board of Education Legislative Priorities - Report Card

State Board of Education Priorities	Regular Session Final Action	Special Session A Final Action		PASSED
Recommend Class Size Implementing Language	SB 1436 Died in Returning Messages to House	HB 47, 3rd Reading	SB 30 Passed; YEAS 35 NAYS 0	
Recommend Board of Governor's Implementing Language	HB 319 Died in Returning Messages to House	HB 51, 3rd Reading	SB 36, 2nd Reading	
Recommend Universal PreK Implementing Language	SB 1334 - PASSED			✓
Create a K-20 Accountability System Linked To Performance Funding	HB 915 - PASSED			✓
Enhance Teacher Recruitment and Retention and School Administrator Preparation	Contents of Bill Combined with HB 703, Died in Messages	HB 47, 3rd Reading	SB 30 Passed; YEAS 35 NAYS 0	
Education Practices Commission	HB 1899 Died in Messages to Senate			
Promote Parental Involvement and Empowerment	SB 1522 - PASSED			✓
Implement Select Recommendations of the Blue Ribbon Task Force on Students with Disabilities	HB 1739 - PASSED			✓
Strengthen Charter School Accountability	SB 2482 Died in Returning Messages to Senate	HB 55, 3rd Reading	SB 38, 2nd Reading	
Promote Tuition Flexibility Linked to Institutional Performance, Including Student Achievement	Died in Messages			
Amend the College Level Examination Program (CLEP) Requirement for Participation in the Bright Futures Scholarship Program	SB 354 - PASSED			✓
Align "Weighting" of Advanced Course Work	HB 1739 - PASSED			✓
Identify School Code Glitch Bill Recommendations	SB 1772 Died in Returning Messages to Senate	HB 49, 3rd Reading		
Ensure the Confidentiality of the Florida Comprehensive Assessment Test	Withdrawn			✗
Revise School Recognition Criteria	Withdrawn			✗



Board of Governors/State Universities

HB 51A by Representative Mealor / SB 36A by Senator Constantine

- Creates the Board of Governors consisting of seventeen members. Fourteen members are appointed by the Governor and are subject to Senate confirmation. In addition, the Commissioner of Education, the chair of the advisory council of faculty senates or the equivalent, and the president of the Florida Student Association or the equivalent serve on the Board
- 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, five citizen members appointed by the board of governors, the chair of the faculty senate or the equivalent, and the president of the student body
- Provides for staggered terms for the Board of Governors (seven-year terms) and university boards of trustees (five-year terms)
- Creates the Florida Uniform Management of Institutional Funds Act (UMIFA) – national guidelines for investment and expenditure of endowment funds
- Modifies determination of residency for tuition purposes – 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
- Establishes a university admissions deposit fee (not to exceed \$200). The boards of trustees must adopt policies that provide for a waiver of the deposit in cases of financial hardship
- Makes conforming changes to the School Laws to ensure continued authority for the state universities to participate in certain state programs such as: the pre-tax benefits program, deferred compensation, direct deposit of funds, consolidated equipment financing, and self-insurance for workers' compensation
- Modifies the Trust Fund for Major Gifts Program
 - Limits a single gift match to \$3 million per year
 - Limits a total gift match to \$15 million over 5 years (\$3 million per year)
- Limits university president salaries paid from public funds to \$225,000 – it does not prohibit additional monies and benefits paid by private funds



Charter Schools

HB 55A by Representative Baxley / SB 38A by Senator Webster

- 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
- Specifies that the failure to participate in the education accountability system is grounds for termination or non-renewal of the charter
- Beginning September 1, 2003, the charter school application must demonstrate:
 - How the school will implement the guiding principles
 - How the school's curriculum will enable students to meet the Sunshine State Standards
 - How success in student learning will be measured
 - Goals and objectives for improving student learning
 - How the school will employ curriculum and strategies to address the needs of students who read below, at, or above grade level
 - How the school will support its financial plan for each year of the requested charter, to a maximum of 5 years (including a detailed statement of expected revenues and operation expenses)
- Increases the time the State Board of Education has to act on charter school application appeals from 60 days to 90 days
- Requires district school boards to cooperate with and assist a community college on the charter application and removes time deadlines on the application and approval process of these charters
- Authorizes community colleges to work with the school districts to develop charter schools that offer secondary education. Charter schools must include an option for student's to receive an associate degree upon high school graduation
- 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 - a final report shall be provided to the governing board, the sponsor, and the Department of Education within 14 days after the exit interview



- Authorizes Florida Agricultural and Mechanical University (FAMU), Florida Atlantic University (FAU), Florida State University (FSU), and the University of Florida (UF), to sponsor one lab school, with a grandfather provision for lab schools authorized prior to June 1, 2003 at Florida State University and Florida Atlantic University
- Improves charter school annual progress reports, to include:
 - Requires the sponsor to verify and forward its annual progress report to the Commissioner of Education
 - Specifies that the reports include specific performance data, financial status data, data on current and planned facilities, and information on school personnel, including the proportion that hold professional or temporary certificates and information on in-field and out-of-field teachers
- Repeals all numerical caps on how many charter schools may operate in any county
- Caps administrative fees withheld by school districts to a 5% fee for up to 500 students. Any savings a charter school would receive (with 501 or more students) must be used for capital outlay purposes
- Clarifies that capital outlay for charter schools, from all sources, should not exceed the 1/15 cost per student station
- Revises the current funding formula for distributing capital outlay funds to commence in the 2003-2004 fiscal year. Establishes new capital outlay funding criteria - charter schools must satisfy the following requirements to be eligible:
 - Have been in operation for three or more years, be an expanded feeder pattern of a charter school, or be accredited by SACS
 - Have financial stability
 - Have satisfactory student achievement, based on state accountability standards
 - Have received final approval from its sponsor
 - Serve students in facilities not provided by the sponsor
- Clarifies that charter schools can use capital outlay funds for renovation, remodeling, and maintenance of facilities that they own, are purchasing, or are long-term leasing
- Establishes a formula for distributing capital outlay funds in the future, if the Legislature chooses to maintain, decrease, or increase the current level of funding – the formula puts a priority on schools that past funding



School Code Glitch Bill

HB 49A by Representative Mealor / No Senate Companion

The 2002 Legislature enacted a new School Code designed to reflect the new K-20 education governance system, focusing primarily on students and learning, reducing overly prescriptive provisions, eliminating duplication, eliminating obsolete provisions, providing a logical and user-friendly format, and maintaining all necessary statutory authority.

HB 49A updates obsolete terminology, corrects unintended consequences, provides clarification, corrects omissions, and makes technical corrections to the 2002 School Code Re-write.

- Replaces references to "rule-making authority" of the "Department of Education" or the "Commissioner of Education" with rule-making authority of the "State Board of Education"
- Replaces references to "developmental research schools" with "lab schools"
- Replaces references to "Articulation Coordinating Committee" with "State Board of Education"
- Replaces references to "State Board of Community Colleges" with "State Board of Education"
- Replaces references to "State Board of Independent Colleges and Universities" and "State Board for Nonpublic Career Education" with the "Commission for Independent Education"
- Corrects references to the Accrediting Council for Independent Colleges and Schools
- Clarifies the methodology for calculating an elected superintendent's salary
- Clarifies that school-entry immunizations are for pre-K through grade 12, rather than for kindergarten through grade 12
- Adds grade 3 to grades 1 and 2 in good cause exemption from retention for students with disabilities



- Updates sections of statutes relating to direct deposit of funds, pre-tax benefits, deferred compensation, the Consolidated Equipment Financing Program, and Worker's Compensation
- Clarifies self-insurance due to the change of universities from state agency status to public corporations
- Clarifies functions of the Commissioner, the Department of Education, and the State Board of Education
- Clarifies definitions, such as educational support employee
- Includes Advanced International Certificate of Education (AICE) students and courses in Bright Futures scholarship program

The bill also has provisions which:

- Revises provisions relating to the determination of a student's residency status for tuition purposes (the same language as the Board of Governors bill)
- Restores the Uniform Management of Institutional Funds Act (UMIFA) to the Florida Statutes - UMIFA provides national guidelines for educational institutions in executing their fiduciary responsibilities in the investment and expenditure of permanent endowment funds (the same language as the Board of Governors bill)
- Amends the section of statutes relating to the Trust Fund for University Major Gifts, by updating terminology to reflect the creation of the Board of Governors, and by capping state matching for gifts (the same language as the Board of Governors bill)



FCAT Native Language

HB 45A by Representative Quinones / No Senate Companion

- Provides for a variety of learning options for English for Speakers of Other Languages (ESOL) students, transfer students from other states and countries, and other students needing additional instruction
- Students who have met all graduation requirements except for passage of the grade 10 FCAT or an alternate assessment by the end of grade 12 must be provided an opportunity to:
 - Participate in an accelerated GED preparation program during the summer
 - Take the College Placement Test and be admitted to remedial or credit courses at a state community college
 - Participate in an adult general education program until the student has mastered English, reading, mathematics, or other required subjects, with unlimited opportunities to take the grade 10 FCAT
 - Receive immersion English language instruction during the summer (if the student has been enrolled in an ESOL program for less than two years)
- Requires the state-testing program to allow for a grade 10 alternate assessment (for regular high school graduation purposes)
- The State Board of Education is directed to study the comparable validity of other available standardized tests and report its findings to the Governor, President of the Senate and Speaker of the House by December 31, 2003
 - If valid and reliable measures are identified, the State Board shall adopt scores that equate to the FCAT passing rates
 - If no such measures are identified, the State Board of Education can initiate the development of a valid and reliable alternate assessment



Determination of District Cost Differential

SB 20A by Carlton / No House Companion

- Provides that for the 2003-2004 fiscal year only, the district cost differential used for the calculation of the Florida Education Finance Program will be the same as the one used in the 2002-2003 General Appropriations Act
- Under current law, a district cost differential is annually calculated for each school district using the most recent 3 years of the Florida Price Level Index (FPLI). The district cost differential is applied to the base funding of the Florida Education Finance Program (FEFP). The result is a redistribution of FEFP base funding among the 67 districts



Non-Profit Scholarship Funding

HB 57A by Representative Baxley / SB 30A by Senator Constantine

- Increases the amount of corporate income tax credit that can be awarded each year for contributions to scholarship funding organizations from \$50 million to \$88 million
- Modifies current law to provide that a scholarship that cannot be used in the year the contribution is made, because of insufficient corporate tax liability, may be carried forward for three years (current law only allows the current year)
- Provides that, as a condition of receiving the scholarship, the parent must notify the child's school district within 15 days of deciding to send the child to an eligible nonpublic school