



2010 Legislative Briefing

FOR THE DUVAL COUNTY PUBLIC SCHOOLS

Report No. 8

MILLER CONSULTING GROUP

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REPORT INFORMATION

This is a report of the 2010 Legislative Session. The LEGISLATIVE BRIEFING is provided periodically during the regular session of the Florida Legislature.

Martin Miller

EIGHTH WEEK OF SESSION

This week the Legislature focused on winding down the Session in order for an on-time adjournment. At the beginning of the week we addressed the issues related to SB 4 (High School Standards) with the Governor’s Office, sought to clarify provisions contained in the seclusion and restraint bill (SB 2118 and HB 1073), began reviewing and revising Race To The Top 2, and began the conferencing process on the budget.

The Race to the Top part 2 application must be in Washington by June 1. This provides very little time for the state to prepare its new MOU guidelines and for the districts to do the same based on the new state guidelines.

The governor has appointed a task force comprised of a two superintendents, two school board members, FEA president, teacher, teacher of the year, PTA, Chamber of Commerce, and two legislators. W. C. Gentry will serve as one of the school board members. The task force will meet all day Wednesday to develop new guidelines. Their charge is to have a finished product by the end of the day.

Probably nothing was more important or more frustrating than the resolution of budget and conforming bill issues through the conference process. The process requires the House and Senate committees and their chairs (Rep. Flores and Sen. Wise) to meet to exchange proposals to resolve their differences. Those issues that were unresolved by Friday were “bumped” to the “big

chairs” of the overall appropriations committees – the committees that oversee all of the sub committees. These “big chairs” are Sen Alexander and Rep Rivera.

Issues unresolved by them will be “bumped” to the House Speaker and Senate President.

It was clear from the beginning that important education issues would not be resolved in a way favorable to public schools. The mood among legislators is vindictive as the result of the SB 6 veto.

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CONFERENCE ISSUES

Some issues were resolved in our favor:

The requirement that we must cut 20% of our staff and salaries before we may reduce teachers was dropped. (Line Item 78 Proviso)

FAIR for 10 -11 will be provided on a voluntary basis and districts will be allowed to use other comparable assessments in K- 12 without prejudice. DOE will clearly communicate options prior to July 1, 2010. (Line Item 120 Proviso)

School districts may contract with community colleges for virtual program. (Conforming Bill Issue 14)

School districts may offer core curricula courses in district VIP to meet CSR requirements. (Conforming Bill Issue 15)

VPK may continue at current class ratios. (Conforming Bill Issues 17, 18)

Instructional Materials State Adoption –

Bundled materials must also be unbundled and individually priced. After 12-13, materials for students in 9 – 12 will also be available in electronic format.

Beginning in 10-11, each bidder for materials must furnish electronic specimen copies. Superintendents may request printed copies through the DOE.

Electronic content must be added to list of materials allowed for purchase from Instructional Materials categorical.

Instructional materials categorical may be used to purchase electronic or computer hardware if bundled and if district is in compliance with 1011.62(6)(b)5.

(Conforming Bill Issues 27, 29, 30, 31, 32)

AP, IB, AICE, Industry Certification weights not reduced. (Conforming Bill Issue 38, 40)

Issues not in our favor:

Study of the DCD is required and funded (Line item 123)

School board salaries to be set at beginning teacher salary or statutorily calculated amount – same as for 09-10 (Conforming Bill Issue 3)

Charter schools not required to comply with CSR (not a bad thing, but will cause litigation since they are public schools) (Conforming Bill Issue 6 – Bump Issue 1)

Class Size –

Hold public hearings on plans to meet CSR

Penalty to be based on October FTE count

Penalty for each FTE student over hard cap: deduct per FTE student amount of CSR categorical dollars PLUS 50% of the base student allocation multiplied times the DCD. The amount collected for the penalty from non compliant districts to be distributed to compliant districts up to 5% increase in their FEFP. Any remaining penalty dollars to go back to the non compliant districts contingent on making progress on CSR compliance plan.

(Conforming Bill Issues 20, 21, 22, 23, 23a, 24)

IB Weight (less flexibility but language should cover our concerns) – 80% of IB bonus funding to be used in the school program where students generated the funds. Funds may be used only for: annual school fees; examination fees; salary and benefits and bonuses for IB coordinator and IB teachers, and for IB coordinator and teachers who prepare prospective students; supplemental books, instructional supplies, equipment or materials for IB courses; activities that identify or prepare prospective IB students; and training or professional development of IB teachers. The remaining 20% must be spent to assist academically disadvantaged students to prepare for more rigorous courses. (Conforming Bill Issue 37)

80% of Industry Certification bonus funds must be spent in program where generated. (Conforming Bill Issue 41)

.25 critical needs millage – voter referendum: Voter referendum will continue and must be re-voted every two years. (Conforming Bill Issue 52 - Bump Issue 8)

FHSAA background screenings – must allow for

reciprocity. (Conforming Bill Issue 55)

Other Issues:

NEW - Districts and schools authorized to purchase refurbished computers not older than 3.75 years that are network and internet capable with 2 year warranty and provided by not-for-profit organization at below market price. (New Line Items 6, 78 Proviso)

Percent of taxable value to be used in calculation of RLE is 96% (Conforming Bill Issues 5, 11, 43 – Bump Issue 6)

Other Bumped Unresolved Issues

Task Force to recommend legislation for replacement of SB 6. (New Conforming Issue 61c – Bump Issue 9)

We will not have the final results for another two days.

BILL ACTION

The following bills are enrolled (passed in both chambers in the same form) and have received action by the governor or are ready for his action:

ENROLLED BILLS

Curriculum - Enrolled

HB 105, Civics Education, requires students entering grade 6 in 12-13 to take a one semester course in civics education that includes specified content and to pass an EOC in 13-14. The school grade will be affected in 13-14 based on the aggregate scores of students who have been assessed. The reading portion of language arts curriculum must include civics education content at all grade levels. 4/25

SB 4, High School Standards, adds required courses for acquiring the math and science credits – Geometry (in 10-11) and Algebra II (in 12-13) required for math credits and Biology I (in 11-12) and chemistry / physics plus an equally rigorous science course (in 13-14).

The bill also adds requirements for the passage of EOC's in Algebra I (10-11), Geometry (11-12), and Biology I (11-12). By 12-13, a phase-in of all of these EOC's will be required in order for a student to receive credit in the course. The 9th and 10th grade Math FCAT and FCAT science will be phased out through 11-12. The requirement for Majors and Minors is deleted. In addition, a program called Credit Acceleration Program (CAP) will allow students to take the EOC for credit in lieu of taking the course.

Middle school promotion will be impacted as well, especially as the EOC's relate to Algebra I and Biology. Other amendments were made to FCAT provisions, school recognition program, and school grades. 4/20

Vouchers, Choice - Enrolled

SB 2126, Corporate Tax Scholarships, expands the cap on the program from the current \$118 million to \$140 million and allows the cap to increase another 25% once the amount of tax credits reach 90% of the cap. The amount provided for the vouchers also increase from the current \$3950 per student to 60% in 10-11 and eventually to 80% of the total potential FEFP per student appropriated to public schools. Next year the voucher should exceed the amount public schools receive from the General Revenue for its FEFP funding (the balance for public schools is paid out of local taxes). 4/08

Other Instruction - Enrolled

SB 2, Class Size Reduction, retains the CSR requirements but modifies the constitutional provisions slightly to allow for a variance in individual classes while maintaining the average per class in each school. Pre K – 3 would be required to maintain an average of 18 students per teacher but a classroom would be allowed a variance of 3 (as long as the average is 18); 4 – 8 would be required to maintain an average of 22 students per teacher but a classroom would be allowed a variance of 5 (as long as the average is maintained at 22); and 9 – 12 would be required to maintain an average of 25 students per teacher but would be allowed a variance of 5 (as long as the average is maintained at 25). 4/09

HB 521, Education Compact, revises the education

compact to remove the section on public records and meetings that does not comply with current Florida law. 4/25

Personnel - Enrolled

VETOED – SB 6, Teacher Quality, would require districts to develop valid and reliable EOC’s, revise personnel appraisal systems based primarily on learning gains, require salary schedules to be based on performance appraisal, establish new employment contract systems effective July 1, 2010 for new teachers with contract renewal based on performance and contracts to be annual for life, revise certification renewal to be based partially on teacher performance, and revise teacher preparation programs based on performance and learning gains. 4/16

SB 464, Military Leave, changes the requirement for military leave from 17 days to 240 hours per year. 4/21

HB 7033, Unemployment Compensation, extends benefits, reduces exempt wages effective 1/1/10 and then increases exempt wages effective 1/1/12 and revises other sections of law including employer contributions. 3/02

Operations - Enrolled

SB 2060, Sovereign Immunity, increases the school district (and other agencies) liability to \$200,000 from the current \$100,000 for tort claims and raises the liability for other combined claims by \$100,000. 4/25

Finance and Budget - Enrolled

SB 622, Seminole Compact, codifies the agreement reached with the Seminole tribe on revenue for the state from gaming. 4/25

Other - Enrolled

SB 176, Road Designations, would designate various interstates and interchanges in Jacksonville as James E. “Jim” King, Jr., Parkway; Hans G. Tanzler, Jr., Interstate; and Don Davis Memorial Interchange. 4/25

The following bills related to education were passed by at least one chamber. Related bills may

be facing further action before being acted on:

PASSED ONE CHAMBER

Other Curriculum – Passed One Chamber

SB 2014, Early Learning, passed in the Senate. The bill would revise various provisions pertaining to AWI and Early Learning Coalitions and would establish the Gold Seal Quality Care under DCFS.

HB 1203 was passed in the House Appropriations Council. 4/25

SB 206, Academic Signing Day, passed by the Senate on 4/16, would encourage school districts to recognize students receiving academic scholarship on a specific day each year in April. **HB 55** is ready for floor action in the House. 4/18

Vouchers, Choice – Passed One Chamber

HB 1505, McKay Scholarships, passed in the House. The bill would revise eligibility requirements for students to receive McKay Scholarships. Students enrolled in any prior FTE reporting period would be eligible as would kindergarten students. Public schools would be responsible for the IEP. The bill would also allow students to be served outside the private school setting with written authorization from the parent and physician. The private school would be responsible for contracting with a private company to monitor the student’s progress. **SB 2746**, McKay Scholarships, on the Senate calendar, would permit students entering kindergarten who received services in VPK and have IEP’s to be eligible to receive McKay Scholarships. Private schools could face revocation of their approval as a provider under certain circumstances. 4/21

Student Rights, Services – Passed One Chamber

HB 31, Inspirational Message, prohibits school boards, administrators and instructional personnel from taking “affirmative action” that infringes or waives the rights or freedoms afforded by the First Amendment” to the Constitution. The bill passed in the House. **SB 1580** was passed in committee. 4/25

SB 1058, School Notification, passed in the Senate, would require notification of the Director

of Transportation and other impacted personnel by the Superintendent and of the bus driver by the school principal when a student is charged with a felony or a delinquent act that would be a felony if committed by an adult. An exemption in the public records act would be provided for agencies needing information regarding students. **HB 603** is scheduled for action in the House. 4/25

SB 434, Suicide Prevention, passed in the Senate. The bill would require direct access to material pertaining to suicide prevention to all administrators and teachers. **HB 1061** has been placed on the calendar. 4/21

HB 747, Students with Diabetes, passed in the full House and now in the Senate, would prohibit school districts from assigning students to schools on the basis that the students have diabetes and would permit students to manage their diabetic condition on school grounds with physician and parental permission. The bill **specifies the type of self management the child may perform and requires the SBE to adopt rules to ensure the school in which the child is enrolled has personnel trained in routine and emergency diabetes care.** 4/25

Personnel – Passed One Chamber

SB 2580, Group Health Insurance, passed in the Senate. The bill would require school districts to form consortia to procure health insurance programs. The consortia would be comprised of school board members, superintendents, and employees selected by the FEA. School Boards may opt out of purchasing insurance through the consortia. **HB 1021** has not been heard in committee. 4/21

Operations – Passed One Chamber

SB 140, Farm Fresh Schools Program, passed in the Senate and is on the House calendar. The bill would encourage school district food service programs to purchase from Florida farms and to make reasonable efforts to select foods based on nutritional value. **HB 1619** is on the House calendar for floor action. 4/25

SB 1048, Construction Bonds, amends sections of law pertaining to posting payment bonds and prohibiting the provision of building permits and inspection services until certain documents are

provided. The bill passed in the Senate.

SB 1964, Design Professionals, passed in the full Senate and is now in the House. The bill would limit liability of engineers, surveyors, and architects for economic damages resulting from design defects. **HB 701** a similar House bill, has been placed on the House calendar for floor action. 4/21

HB 1233, Plant Surveys, passed in the House, would establish criteria for seeking an extension of the deadline for educational plant surveys and would prohibit districts from contracting for new projects during the extension period. **SB 2356** is now in committee. 4/21

Other – Passed One Chamber

SB 2284, 2012 Legislative Session, passed the Senate and is ready for House action. The bill would establish the beginning of the 2012 Session as January 10, 2012. 4/25

The following bills related to education were acted upon in preparation for further floor action this week. Some bills that were on the agenda for floor action last week but were not acted on are not listed below. There is no guarantee the bills on the list below will be passed:

CHAMBER PREPARATION

Vouchers, Choice – Chamber Preparation

HB 1569, Charter Schools, was amended during the second reading on the floor of the House. The bill had been extensively amended in council without full debate or ability to answer questions in the absence of the bill sponsor. The chair promised members to have staff available to answer questions before the bill went to the floor. However, on the floor, the Speaker again cut questions short.

After being amended on the floor, the bill would permit one governing board to oversee multiple charter schools in multiple school districts, and require school districts to reemploy support and administrative personnel who had previously left

to work for charter schools. In addition, the bill would establish the high performing charter school.

The bill would identify criteria for a high performing charter school and establish different requirements for these schools. The high performing charter would be required to provide quarterly as opposed to monthly financial reports (public school districts are required to provide monthly reports), allowed to increase its enrollment by 25% once a year, allowed to receive capital outlay funds without fulfilling the current requirement that the charter school demonstrate financial stability, and permitted to replicate a high performing charter that shall be provided a 15 year charter (Note: this replication would not have the same personnel, staff or financial history of the current high performing school it is “replicating”).

The bill would also require a report from the Office of Program Policy Analysis and Government Accountability regarding the operation of the charter school including the required administrative fee for public schools and the distribution of capital outlay funds to the charter schools. The bill is ready for the 3rd reading in the House. 4/25

SB 2262, Charter Virtual School, was amended on the Senate floor and is now ready for 3rd reading. The bill would permit the establishment of charter virtual schools in school districts with school boards as the sponsor.

The amendment on the floor would add most of the substance of HB 1569 to the bill. The amendment relating to employees that is in HB 1569 is not included. The amendment would permit one governing board to oversee multiple charter schools in multiple school districts, and would establish the high performing charter school.

The amendment would identify criteria for a high performing charter school and establish different requirements for these schools. The high performing charter would be required to provide quarterly as opposed to monthly financial reports (public school districts are required to provide monthly reports), allowed to increase its enrollment by 25% once a year, allowed to receive capital outlay funds without fulfilling the current requirement that the charter school demonstrate

financial stability, and permitted to replicate a high performing charter that shall be provided a 15 year charter (Note: this replication would not have the same personnel, staff or financial history of the current high performing school it is “replicating”).

The bill would also require a report from the Office of Program Policy Analysis and Government Accountability regarding the operation of the charter school including the required administrative fee for public schools and the distribution of capital outlay funds to the charter schools. The bill is ready for 3rd reading in the Senate. 4/25

Student Rights, Services – Chamber Preparation

HB 467, Teen Dating Violence & Abuse, ready for 3rd reading on the House floor, would require a component in each district’s health curriculum and a policy to provide professional development for staff. The policy would also prohibit dating abuse and violence on campus and at school activities. **SB 642** is still in Sen. Wise’s Education Appropriations Committee. 4/21

SB 2320, Dress Code, ready for 3rd reading in the Senate, would require state board rule and school board policy to address the issue of dress code for students and to establish disciplinary measures for students whose dress results in revealing underwear. **HB 1255** has not been heard. 4/25

SB 2118, Seclusion and Restraint, now on the Senate calendar, would revise application procedures and training requirements for licensing facilities serving persons with developmental disabilities, would require incidence reports from schools when a student is restrained or secluded, would require notification of the parent upon such occurrence, and monitoring at the local and state levels. The bill also would restrict the use of certain mechanical devices for restraint and restrict the use of certain time-out rooms. Further, the DOE must provide training for teachers of individuals with developmental disabilities. **HB 1073** is similar and has been amended on the House floor and is ready for 3rd reading. 4/21

SB 1072, Juvenile Justice, is ready for 3rd reading in the Senate. The bill would change the requirements for children in need of services by expanding the definitions to include children 9

years of age or younger and to allow youth served by the CINS / FINS network which will trigger certain mental health services. Districts and pertinent agencies would be encouraged to establish prearrest and postarrest diversion programs. **HB 7181** is the similar House bill and has been placed on the calendar. Both bills have been placed on the calendar. 4/25

Personnel – Chamber Preparation

HB 723, Tuition Waiver, was amended on 2nd reading and is ready for 3rd reading in the house. The bill would provide a tuition waiver for up to 6 semester hours for public school teachers for undergraduate courses. **SB 2102** is on the Senate special order calendar. 4/25

Operations – Chamber Preparation

HB 1157, Prompt Pay, amended on the House floor, would revise timely payment for purchases of construction services and prohibit damages against a contractor if the item list is not timely provided to the contractor and would establish criteria for dispute processing. The bill would deem an overdue notice from a contractor to a government agency not rejected if it is rejected in 4 business days and would establish other requirements pertaining to payment. **SB 1056**, a similar bill, is on the Senate special order calendar. 4/21

RETIREMENT ISSUES

There was still no action on retirement issues. To date, only the issues last reported are still in play:

SB 2022: would establish contribution rates for school districts for FRS. It also would require a contribution by all state workers (including school board employees AND including vested personnel) toward their FRS retirement. The rate would be .25 %. We have heard that this rate could go up to 1%. (Conference Issue)

HB 5607: would establish district contribution rates only for FRS. (Conference Issue)

At Conference, House agreed to drop 5701:

[HB 5701: would have eliminated the health insurance subsidy of up to \$150. This would have applied to new retirees effective July 1 and to all

current retirees on January 1, 2011.]

HB 5703: would set requirements for agencies to pay for the unfunded actuarial liability (UAL)

SB 1902: would eliminate the counting of overtime and accumulated leave (AL and SL) toward retirement. (Not moving.)

No other issues are moving **right now**.

CAUTION: Please advise anyone planning on making a change in their retirement plans based on assumptions about pending legislation, including plans for DROP, to proceed with caution. It would be advisable to wait until the second week of May, if possible. Some employees may have a deadline for their enrollment in DROP – they should stay tuned before making a decision.

I will know more as the end of the Session nears.

If you have any questions or comments, please let me know. I can be reached at my e mail address below.

*Martin E. Miller
Miller Consulting Group, Inc.*

martinmiller@MillerConsultingGroup.com