

February 16, 2018

**MEMORANDUM**

TO: District School Superintendents

FROM: Joy Frank  
Jon Grosso, Legislative Intern  
Keenen Vernon, Legislative Intern

RE: Legislative Update

**General Information**

It is difficult to even think about a legislative update as our hearts are heavy and focused on the entire Broward school community. May Superintendent Runcie and all of the students, teachers, staff and administrators be comforted by the outpouring of love and concern during this time.

We stand ready to help in any way that we can.

**Budget Update**

The House and Senate have not named conferees and, therefore, the budget conference has not begun. Needless to say, after the tragedy in Broward County, increased funding for mental health services and school safety is a priority issue.

In addition, HB 7055 will be considered in the Senate Education Committee on Tuesday. A “strike-all” amendment was just filed. I have not had a chance to analyze it but it is attached.

**Senate Committee Action**

**SB 1434 by Passidomo and Senate Education Committee.** Basically, this bill was amended to incorporate most of the Senate Conforming bill. The bill was then amended in committee to add, in particular, Title I revisions that are helpful to districts.

**Section 1. Amends s. 1002.33 relating to charter schools.** Authorizes a charter school to defer the opening of a school for up to 3 years rather than 2.

**Section 2. Amends s. 1002.331 relating to High-performing charter schools.** Reduces the number of years before which a school can be designated high-performing – school received at least two consecutive grades of “A” in the most recent 2 years.

**Section 3. Amends s. 1002.333 relating to Persistently low-performing schools.** Revises the definition of “persistently low-performing school” to mean a school that has completed 2 school years of a district-managed turnaround plan and has not improved its grade to a “C” or higher.

Revises the definition of “school of hope” and requires that the school be located in the attendance zone of a persistently low-performing school. Removes the authority to be within a 5-mile radius of such school.

A “school of hope” could also be a school operated pursuant to a district selection as a district turnaround option for persistently low-performing schools that did not improve. This school would be eligible for hope funds.

A hope operator seeking to open a school of hope must submit a notice of intent that includes all of the statutory criteria. New/modified criteria include the requirement to provide the specific location for the proposed school or the plan to use the district-owned facilities of the persistently low-performing school. An operators plan specifying the operator’s intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

Facilities – A school of hope that is located within the zoned-area must use facilities that comply with the Florida Building Code, except for SREF. A school of hope that is selected as one of the district-managed turnaround options and receives hope supplemental services must use the district-owned facilities of the persistently low-performing school. The school of hope must comply with SREF only if the district and hope operator have entered into a mutual management plan for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the school board agree to maintain the school facilities in the same manner as other public schools within the district.

Funding – Schools of hope that open within the zone of the persistently low-performing school are eligible for receive funds from the Schools of Hope Program. Schools of hope that are selected by a district as a turnaround option are eligible to receive funds from the hope supplemental services allocation.

The \$2,000 per FTE is replaced with a hope supplemental services allocation.

**Section 4. Creates s. 1002.334, F.S., relating to Franchise Model Schools.** A “franchise model school” is defined as a persistently low-performing school led by a highly effective principal in addition to the principal’s currently assigned school. If a franchise model school achieves a “C” or higher, the school may retain its status as a franchise model school at the discretion of the district. A district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option. A franchise model school principal must be rated highly effective, may lead two or more schools as specified, may allocate resources and personnel between schools under his/her administration, but hope supplemental services allocation funds, must be spent at the franchise model school, and is eligible to receive a Best and Brightest Principal award.

**Section 5. Amends s. 1007.273, F.S., relating to Structured high school acceleration programs.** The language substantially modifies the collegiate high school program. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course requirements over electives. A school board may not limit the number of eligible students who may enroll in structured programs. The language specifies that each school board and its local Florida College System institution must execute a contract to establish one or more structured programs. If a local Florida College System institution does not

establish a structured program with a school board in its service area, another institution may execute a contract with the school board.

By August 1, 2018, a contract entered into before January 1, 2018 for the 2018-2019 school year must be modified to include new contract provisions.

By September 1 of each school year, each school board must notify each student enrolled in grades 9, 10, 11 and 12 about the structured program including the method for earning college credit through the program and estimated cost savings of participation.

A charter school may execute a contract directly with the local Florida College System institution or another institution to establish a structured program.

**Funding** – A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program generates a 0.5 FTE bonus. A student who completes an additional 30 hours, resulting in at least 60 college credit hours, generates an additional 0.5 FTE bonus. Each school board must report to the commissioner the total FTE bonus for each structured program. The total FTE bonus is added to each district's total WFTE for funding in the subsequent year.

The language specifies reporting requirements to the commissioner.

**Section 6. Amends s. 1008.33, F.S., relating to authority to enforce public school improvement.** Language is added to authorize a district-managed turnaround plan to include a proposal to implement an extended school day, a summer program, or a combination of an extended school day and summer program.

Unless the SBE authorizes an additional implementation year, a school that has completed 2 school years of a district-managed turnaround plan and has not improved to a “C” or higher must implement one of several options. Some of the current options are modified. If the district closes the school and reopens as a charter school, such charter school is eligible for funding for the hope supplemental services allocation. A district-managed charter school is eligible for funding from the hope supplemental services allocation.

An additional option is a hope operator that submits to a district a notice of intent of a performance-based agreement. A school of hope established under this provision is eligible for funding from the hope supplemental services allocation for up to 5 years if the school:

- Is established at the district-owned facilities of the persistently low performing school;
- Gives priority enrollment to students enrolled in, or living in the attendance zone of the persistently low-performing school; and
- Meets the requirements of its performance-based agreement.

Another option is to implement a franchise model school.

If the school does not improve to a “C” or higher after 2 school year of implementing the turnaround options authorized above, the district must implement another turnaround option.

**Section 7. Amends s. 1011.62, F.S., relating to Funds for operation of schools.** The section establishes the **Hope Supplemental Services Allocation** to provide district-managed turnaround schools, charter school, district-managed charter school, schools of hope, and franchise model

schools with funds to offer services designed to improve overall academic and community welfare of the schools' students and their families. The types of services are specified. School eligible to receive the services must develop and submit a plan for approval to its respective governing body no later than August 1. Plan requirements are specified. Plans must be submitted to the commissioner by September 1.

For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year shall receive \$2,000 per FTE. Specified schools are eligible for the remaining funds based on the school's UFTE up to \$2,000 per FTE or as provided in the GAA. For the 2019-2020 fiscal year and thereafter, each district's allocation shall be based on the UFTE student enrollment at the eligible schools and a per-FTE funding amount of up to \$2,000 per FTE or as provided in the GAA. If the calculated funds exceed the appropriation, the allocation shall be prorated.

**A Mental Health Assistance Allocation** is created to provide supplemental funding to assist districts in establishing or expanding comprehensive school-based mental health programs. Prior to the distribution of the allocation, the district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the school board for approval. A charter school must submit a plan to its governing body and after approval, it must be provided to the school district for submission to the commissioner. The language specifies the elements that must be included in the plan. Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation must submit to the commissioner a final report in program outcomes and expenditures.

**A Funding Compression Allocation** is established authorizing the Legislature to provide an annual funding compression allocation in the GAA. The allocation is created to provide additional funding to districts and lab schools whose total funds per FTE in the prior year were less than the statewide average.

**Section 8. Amends s. 1011.69, F.S., relating to Equity in School-Level Funding Act.** The language amends the threshold requirement for the provision of Title I funds to include high schools above the 50 percent threshold as allowed by federal law. The language eases the current restrictions relating to the district's authority to withhold funds at the district level. The 8 percent cap on administration is repealed and the language is modified to allow districts to retain a reasonable amount for administration and the district's approved indirect cost rate. Districts may also withhold a reasonable amount to provide extended learning opportunities and supplemental academic and enrichment services, staff development, and planning and curriculum, as well as wrap-around services. Eligible schools are also allowed to use the remaining funds that are distributed for district-level services provided by the school district.

**Section 9. Amends s. 1011.71, F.S., relating to District school tax.** A school district is authorized to expend up to \$150 (up from \$100) on vehicles and property/casualty insurance premiums.

**Section 10. Amends s. 1012.731, F.S., relating to The Florida Best and Brightest Teacher Scholarship Program.** Repeals language authorizing the \$1200 or \$800 scholarship award for teachers.

**Section 11. Amends s. 1012.732, F.S., relating to The Florida Best and Brightest Principal Scholarship Program.** Authorizes franchise model school principals to receive the awards as well as those who have recruited and retained a high percentage of best and brightest teachers. A

franchise model principal is eligible for a \$10,000 scholarship; a \$5,000 scholarship is awarded to each principal assigned to a Title I school and a \$4,000 to each principal who is not assigned to a Title I school who has the required percentage of best and brightest teachers.

**Section 12. Amends s. 1013.31, F.S., relating to Education plant survey; localized need assessment; PECO project funding.** The language ensures that school districts may expend local dollars on new construction without a survey recommendation. These local dollars include:

- The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget.
- Voted bond referendum.
- One-half cent sales surtax revenue.
- One cent local governmental surtax revenue.
- Impact fees.
- Private gifts or donations.

**Section 13. Amends s. 1013.385, F.S., relating to School district construction flexibility.** Authorizes school districts to operate in a facility on the same basis as a charter school if the regional planning council determines that there is sufficient shelter capacity within the district as documented in the Statewide Emergency Shelter Plan.

**Section 14. Amends s. 1013.62, F.S., relating to Charter schools capital outlay funding.** The language inserts the prohibition of personal financial enrichment by owners, operators, etc. of charter schools.

The language modifies the calculation methodology that the DOE must use to determine the amount of revenue that a school district must distribute to each charter school if the school board levies the authorized local discretionary millage.

This section also provides that for each charter school within each district, the net capital outlay amount from local funds must be calculated in the same manner as the state funds appropriated in the GAA to eligible charter schools, except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. This change weights the shared local capital outlay funds for charter schools with a student population in which 75 percent or greater are eligible for a free or reduced-price school meal, 25 percent or greater have a disability, or both. The per weighted FTE allocation amount from local funds must be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

The revised calculation may alter the amount of funds distributed in each charter school's capital outlay allocation from local funds.

**Section 15.** July 1, 2018, effective date.

**SB 188 by Steube – Public School Transportation.** The bill modifies the duties of the district school superintendents and district school boards regarding transportation of students, and the walking conditions that are considered hazardous to students.

Specifically, the bill:

- Modifies the process for identifying hazardous walking conditions by requiring district school superintendents to request the review of a perceived hazardous walking condition if he or she receives a written request from a parent of a student in the school district.
- Revises the district school boards' responsibilities with regards to providing student transportation services to require such services for public school students in kindergarten through grade 12 whose homes are more than 1.5 miles from the nearest appropriate school.
- Requires district school boards to provide transportation for all public school students if they are subjected to hazardous walking conditions while en route to or from school.
- Reduces the speed limit along uncurbed roads and at uncontrolled crossing sites from 50 miles per hour to 45 miles per hour in order to be considered a hazardous walking condition.
- Modifies the hazardous walking condition criteria with respect to uncontrolled crossing sites to include a road that has 4 lanes or more, excluding turn lanes, regardless of the speed limit; instead of 6 lanes or more as specified in law.

The bill passed the Senate Education Committee favorably.

**SB 1644 by Lee (T) – Instructional Materials.** The bill was substituted in the Education committee on Feb. 12, 2018. The substitution modifies the provision in the bill that exempts materials if such materials meet state standards and comply with specific criteria.

The bill passed the Senate Education Committee favorably as a Committee Substitute.

**SB 260 by Book – Students with Disabilities in Public Schools.** The bill revises the use of restraint techniques on certain students with disabilities, requires use of exclusionary and nonexclusionary time, prohibits use of seclusion, and specifies responsibilities for school districts, schools, and the Commissioner of Education.

School personnel must develop additional policies and procedures on the use of restraints, training procedures, and escalating behavioral strategies that may be used to ensure student safety and reduce the use of restraints. The new policies and procedures must be publicly posted by the school districts at the beginning of each school year.

The bill passed the Senate Health Policy Committee favorably.

## House Committee Action

**PCB WMC3 by Ways & Means Committee – Taxation.** The bill provides for a wide range of tax reductions and modifications designed to directly impact both households and businesses. The bill contains several provisions related to sales tax:

- Tax rate reduction for tax on commercial rentals (business rent tax).
- Includes new, extended, or expanded sales tax exemptions for:
  - Sales tax credits for contributions to the Gardiner Scholarship and Florida Tax Credit Scholarship programs;
  - Certain generators for nursing homes and assisted living facilities;
  - Certain purchases of agriculture related fencing materials and building materials for repair of storm damage from Hurricane Irma;
- Sales tax holidays:
  - A ten-day “back-to-school” holiday for clothing, footwear, school supplies, and computers;
  - Three seven-day “disaster preparedness” holiday for sales of specified items related to disaster preparedness.

On February 13th, the Ways & Means Committee adopted seven amendments and reported the bill favorably as a committee substitute. The amendments:

- Remove the requirements for a taxpayer to apply to the Department of Revenue for approval of a carry forward tax credit.
- Authorize the Department of Revenue to adopt emergency rules for the purposes of implementing the amendments made by this act.
- Clarify provisions in the bill relating to the Florida Sales Tax Credit Scholarship Program and an eligible nonprofit scholarship funding organization.
- Provide owners of homestead property that was significantly damaged or destroyed as a result of a named tropical storm or hurricane to elect to have such property deemed abandoned if the owner establishes a new homestead property by a specified date.
- Clarify the tax treatment of property located within and outside the jurisdiction of a separate legal entity created under the Florida Interlocal Cooperation Act of 1969.
- Provide a motor fuel tax exemption for a supplier who sells motor fuel to another person for export to another state under certain circumstances.
- Revise the rate of the excise tax on certain aviation fuels on a specified date.

The bill passed the House Ways & Means Committee favorably.

**HB 1213 by Porter – Computer Science Instruction.** The bill provides several measures aimed at increasing opportunities for students to participate in computer science instruction, including requiring FLVS to offer computer science courses, establishing a grant program to help teachers earn computer science certificates, and a bonus program for teachers who teach computer science courses.

The bill was amended in the PreK-12 Appropriations Subcommittee on Feb. 13, 2018. The amendments:

- Remove requirements that school districts offer specific percentages of middle and high schools computer science classes by a date certain
- Remove the needs-based technology grant for school districts whose Digital Classroom Allocation funds are insufficient to meet the costs of the bill

**HB 495 by Diaz – School District Price Level Index.** The bill requires the Department of Education to issue competitive solicitation for review of current price level index methodology with an independent consulting firm. The bill provides for third-party review of the Florida Price Level Index (FPLI) methodology by requiring the Florida Department of Education (DOE) to contract with an independent consulting firm to conduct a review of the FPLI methodology by July 1, 2018.

The bill passed the House Appropriations Committee favorably.

### **House Floor Action**

**HB 577 by Silvers– High School Graduation Requirements.** The bill authorizes student to use credit earned upon completion of apprenticeship or pre-apprenticeship program to satisfy specified high school graduation requirements.

The bill passed the House on Feb. 14, 2018. The Senate counterpart is currently in the Appropriations Committee.

**HB 1175 by Sullivan – Early Learning Coalitions (ELC).** The bill authorizes the ELC to refuse to contract with, or revoke the eligibility of, a school readiness program or Voluntary Prekindergarten Education Program provider if the provider has been cited for a Class I violation.

On February 14th, the bill was amended on the floor. The amendment further authorized an early learning coalition to refuse to contract with or revoke eligibility of certain Voluntary Prekindergarten Education Program providers.

The bill passed the House. The companion bill in the Senate, SB 1532 by Stargel, is scheduled to be heard by the Senate Appropriations Committee on February 22nd.

**HB 7017 by Criminal Justice Subcommittee – Child Exploitation.** The bill provides several measures to prevent sexual exploitation of children, such as authorizing subpoenas in sexual offense investigations and prohibiting the use of children in sexual performances or promoting of sexual performances to address updated technologically advanced methods of child exploitation.

The bill passed the House on Feb. 14, 2018. There are two related bills in the Senate, SB 1216 and SB 1214. Both are still in committees.



I hope this information is helpful. If you have any questions, please give me a call.