

TEACHERS/SCHOOL REGULATION

HB 4837 — District School System Personnel, Funding, and Operations

by Education Appropriations Committee, Rep. Sublette and others (CS/CS/SB 2258 by Ways & Means Committee; Education Committee; and Senator Cowin)

This bill makes changes to the statutes governing district school system personnel, funding and operations to provide flexibility to school districts. Changes to current laws providing for the certification and professional development of public school instructional personnel include: deleting the school districts' authority to use alternate services to complete a background check of prospective employees, and requiring all employee fingerprints to be submitted to FDLE and the FBI; providing for the certification of prospective teachers graduating from institutions seeking accreditation; and creating the Florida Educator Hall of Fame.

The bill clarifies that the Education Practices Commission has specific rule making authority to establish procedures, operations and administration of the commission, the disciplinary proceedings it conducts, indexing, the implementation of commission orders and the retention of records. The commission is also empowered to establish disciplinary guidelines.

Three new divisions are created in the Department of Education, the Division of Administration, the Division of Financial Services, and the Division of Support Services.

The bill repeals subsection (8) of s. 236.081, F.S., the caps adjustment supplement of the Florida Education Finance Program (FEFP). Changes to s. 236.081, F.S., relating to calculation of maximum student enrollments, add a supplemental calculation for those districts that are over their weighted enrollment ceiling. If, beginning with the third calculation of the FEFP (in late November 1998, following actual enrollment counts in October), the total *unweighted* enrollment for all Group 2 programs that a district *reports* for funding is greater than the district's *projected* Group 2 enrollment used to calculate that district's enrollment ceiling, the amount of the reported enrollment above the enrollment ceiling will be funded at a weight of 1.0. (1.0 multiplied by the base student allocation and by the district cost differential for the district). The maximum full-time-equivalent (FTE) student enrollment funded at the weight of 1.0 will be limited to the number of FTE students moved from Group 2 to Group 1 by the membership of the Public School FTE Estimating Conference to implement a policy limiting districts' Group 2 enrollment requests

for 1998-99 to a level that would maintain the ratio of weighted to unweighted students for which the district was funded in 1997-98.

The Commissioner of Education is authorized to establish criteria to enable students who show proficiency in reading or mathematics to exempt the corresponding section of the high school competency test or the college placement test.

The bill amends the law governing the composition of school advisory councils to remove the requirement that vocational technical centers and adult education centers have parents as members.

The bill creates Deregulated Public Schools which will have the same regulatory freedom as charter schools while continuing to operated under the supervision of the school district. Deregulated Public Schools are authorized in six counties: Palm Beach, Pinellas, Leon, Seminole, Citrus, and Walton for the 1998-99 school year. In each county up to six schools--two high schools, two middle schools, and two elementary schools can submit proposals to become deregulated schools. The school principal and the school advisory council (SAC) must develop a proposal, at least 50 percent of the teachers must approve it, and parental support must be indicated by a survey. In order to maintain their status as deregulated public schools, the school would have to achieve their established goals for student performance.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 112-3

CS/HB 3389 — Excellent Teaching/Nonpublic Postsecondary Institutions

by Colleges & Universities Committee, Rep. Trovillion and others (CS/CS/SBs 2156 & 1910 by Ways & Means Committee; Education Committee; and Senators Horne, Dyer, and Crist; and CS/SB 924 by Education Committee and Senator Sullivan)

The bill combines the provisions of two measures that had been moving independently: the creation of the Excellent Teaching Program, which provides bonus payments to classroom teachers who attain certification by the National Board of Professional Teaching Standards, and the revision of several statutory provisions relating to the State Board of Independent Colleges and Universities. The bill also amends s. 110.1099, F.S., to provide that student credit hours generated by state employee fee waivers at state universities are to be considered fundable credit hours.

Excellent Teaching Program

The Excellent Teaching Program is created as a categorical program within the Florida Education Finance Program. Features of the new program include: state payment of 90 percent of the application fee and \$150 for portfolio development for teachers seeking National Board of Professional Teaching Standards (NBPTS) certification, monetary rewards for teachers who achieve NBPTS certification, additional salary if the national board certified teachers agree to mentor other teachers, and money to school districts to be used for professional development programs for teachers with priority given to teachers working in low performing schools. Additional provisions would: exempt teachers with NBPTS certification from the college course work and in-service requirements for Florida certificate renewal for as long as their national certification was valid, and grant a Florida teaching certificate to teachers coming from out-of-state who hold national board certification and a valid license in another state.

Nonpublic Postsecondary Education Institutions

The bill alters membership on the State Board of Independent Colleges and Universities so that a representative of each type of independent college will serve on the board. It increases the requirements for institutions that are neither licensed nor accredited. It adds branch campuses of out-of-state colleges to the definition of colleges that are licensed by the board. Finally, it adds to the list of those eligible for training funded by the Institutional Assessment Trust Fund and makes technical changes to correct obsolete references.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 38-0; House 119-0

CS/CS/SBs 1996 & 1182 — Charter Schools

by Ways & Means Committee; Education Committee; Senators Grant, Latvala, and Scott

This bill amends ss. 228.056 and 235.42, and creates s. 228.0561 F.S., all relating to charter schools, contains a 1-year \$5 million appropriation from the Public Education Capital Outlay and Debt Service Trust Fund (PECO) for charter school capital outlay, appropriates \$13.2 million from PECO to the Columbia County School District for the Ft. White High School, provides for the release of funds in the 1998-99 General Appropriations Act for the operation of the Commission on Education Reform and Accountability throughout FY 1998-99, and dissolves the Governor's Commission on Education effective October 31, 1998.

Section 228.0561, F.S., is created to provide a charter school capital outlay program. Charter schools qualify for PECO money if they have their sponsors' approval for the upcoming school year, have already been in operation for 2 consecutive years, and are using facilities that have not

been provided by their sponsoring school boards. The Commissioner of Education is to establish the process for receiving and approving requests for the money from the charter schools, and for distributing the funds to the approved schools. The amount of PECO money a school may receive is determined through a formula based on the school's enrollment and the cost-per-student station as specified in s. 235.435, F.S. The money may be spent on any capital outlay purpose directly related to the charter school's operation. Before a charter school may receive PECO funds it must have a written lien agreement with the Department of Education (DOE) that applies to property improved by the capital outlay funds. The agreement is to be activated in the event the school closes. Also, if a charter school ceases operations, any property or equipment purchased with the PECO money reverts to the school's sponsoring school board.

Other changes to the charter school law (s. 228.056, F.S.) include a procedure for resolving disputes between charter schools and their sponsors that provides for DOE mediation and appeal to an administrative law judge. All charter schools are to be recognized as public schools. School boards are added to the list of groups that can apply for a charter, and the number of schools they may charter is doubled. The length of an initial charter may be from 3 to 5 years and may be renewed every 5 years, if it meets program review criteria. In order for a public school to convert to a charter school a majority of the parents eligible to vote must participate in the election, and at least 50 percent of them must show support for the conversion. Employees in a conversion charter school will remain public employees unless they elect not to do so. Also, school boards cannot require the resignation of teachers taking a leave of absence to teach in a charter school. Sponsoring school boards will be required to provide additional administrative and educational services to charter schools at no additional fee. Charter schools must also be allowed to participate in sponsors' bulk purchasing programs. Finally, the bill creates charter schools-in-the-workplace. These are schools established by business partners in a facility owned by the business. Enrollment is to be selected by random lottery from a student pool that includes, among others, all the children of employees of the business who wish to attend the school. The portion of the business facility devoted to the school will be exempt from ad valorem taxation.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-2; House 93-23

WORKFORCE DEVELOPMENT

CS/CS/SBs 1124, 2048 & 1120 — Workforce Development Education

by Ways & Means Committee; Education Committee; Senators Grant, Horne, Diaz-Balart, and Turner

This bill provides for full implementation of the workforce development system designed last year in CS/CS/SB 1688, ch. 97-302, L.O.F. In general, this bill carries out the recommendations of the Commissioner's Task Force on Workforce Development.

Specifically, the bill:

Creates a workforce development capitalization grant program as an incentive for new and expanding programs.

Requires the State Board of Education to adopt an implementation schedule that establishes standard student fees for workforce development programs. The fee schedule is to allow a systematic transition to the fee levels required by ss. 239.117 and 240.35, F.S. Fee waivers are authorized for up to 8 percent of the total enrollment hours; fee exemptions continue as authorized in current law.

Creates the Employment Task Force for Adults with Disabilities with members appointed by the Commissioner of Education and the State Board of Community Colleges. The task force will report on the programs that use funds provided by Specific Appropriations 119-A and 157-A for community colleges and school districts that conduct programs for adult disabled students.

Delays implementation of the workforce development funding formula until July 1, 1999, and amends it so that funding is based on the amount generated in the previous year rather than on the length and cost of a program.

Clarifies issues of articulation from vocational certificate programs to vocational degree programs:

1. It creates the Applied Technology Diploma, to substitute for the Associate in Applied Technology Degree (ATD).
2. It authorizes a school district technical center to offer the ATD for vocational credit and a community college to offer it for college credit. The statewide articulation agreement will assure that a student who earns an ATD at a technical center will be granted the same amount of credit toward an associate-in-science degree upon enrollment in any community

college. The articulation agreement will also assure that an institution's accreditation will not be jeopardized because of accepting the credit.

Provides extra funding for adults with disabilities in two ways:

1. In regular workforce development programs, the funding formula must reward an educational agency for the successful completion and placement of adults with disabilities.
2. In special programs for adults with disabilities, most students with disabilities will generate funds both from the workforce development fund and from funds authorized in Specific Appropriation 119-A or 157-A.

Creates a program for elderly students in school districts that serve large numbers (over 10,000) in adult education and have at least a 2-year history of such programs. The program will take effect in 1999.

Provides for funding apprenticeship programs that are required to be longer than other programs.

Provides for funding from the FEFP for high school students who attend community colleges' adult education programs for high school credits rather than postsecondary education credits.

Authorizes nonpublic colleges to participate in the common course numbering system and have their credits transfer automatically to state universities and community colleges if they meet certain requirements essential to the accreditation of the receiving institution. For-profit colleges must pay for the expense of review of courses, while not-for-profit colleges receive the service for free. (*Text of CS/SB 2160 by Education Committee and Senator Campbell.*)

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 40-0; House 116-0

CS/HB 4135 — Charter Technical Career Centers

by Community Colleges & Career Preparation Committee, Rep. Lynn and others (CS/SB 2074 by Education Committee and Senator Burt)

This bill authorizes a school district or community college to sponsor a charter technical career center. The provisions in the bill are similar to those in s. 228.056, F.S., that govern the authority to operate a charter school. It also appropriates \$3 million to Daytona Beach Community College to establish a charter technical career center to serve Volusia and Flagler Counties.

A charter technical career center may be operated by a school district or community college, or a consortium of one or more of each. The center may be for secondary or postsecondary vocational education or both.

An existing public technical center or community college site is eligible for a charter, but not an existing independent school. The charter must be approved by both the school district and community college in whose district the center is located.

A charter technical career center must organize as a nonprofit organization. It may be either a public or private employer. If public, its employees may participate in the Florida Retirement System or in the state community college system optional retirement plan, if the charter is sponsored by a community college that participates in that plan. Employees may collectively bargain.

The school district or community college in which the charter technical career center is located will pay directly to the center an amount specified in the charter. The center is eligible for all other state and federal revenue available to public schools. The center may not levy taxes or issue bonds, but it may charge postsecondary students the same fees allowed in its charter and permitted by law.

A charter technical career center is exempt from the Florida School Code, except those statutes pertaining to anti-discrimination, civil rights and student health, safety, and welfare.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 117-0

STATE UNIVERSITY SYSTEM

HB 755 — State University System/Board of Regents

by Reps. Constantine, Turnbull, and Lynn (CS/CS/SBs 1358 & 160 by Ways & Means Committee; Education Committee; Senators Grant, Kirkpatrick and others)

This bill provides more independence and management flexibility for the Board of Regents and the universities in the State University System. It also creates a sixth regional autism center to be housed at the University of Central Florida, creates the Leadership Board for Applied Research and Public Service at the Florida State University, appropriates \$450,000 from General Revenue for the board in 1998-99, and appropriates \$200,000 from General Revenue for the State Agency Dispute Resolution Demonstration Project at FSU.

The university presidents gain additional independence through the decentralization of certain record keeping, reporting, and decision making responsibilities. This independence includes authorization to approve general construction contracts. The purchasing authority of presidents is raised from \$500,000 to \$1 million, and the Board of Regents will contract for purchases of over \$1 million. The Board of Regents is authorized to independently acquire property without the need for competitive selection, under certain circumstances. The Board of Regents and the state universities will no longer be included in the definition of a state agency under ch. 287, F.S.

The bill states circumstances under which certain members of the Canadian military will be classified as Florida residents for tuition purposes.

The bill amends the definition of equity in employment of women and minorities in community colleges and state universities so that Florida's definition reflects federal guidelines.

Several obsolete or redundant rule making requirements are repealed, as are the laws that delegate certain functions of the Department of Management Services to the State University System, require a report on gender equity and salary discrimination, and require the Board of Regents to adopt rules regarding the Theodore R. and Vivian M. Johnson Scholarship Foundation and Trust Fund.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 39-0; House 114-0

EDUCATION IN GENERAL

HB 4259 — Postsecondary Education

by Community Colleges and Career Preparation Committee, Rep. Sindler and others (CS/SB 2100 by Education Committee and Senator Forman)

The bill amends s. 232.2466, F.S., to allow the Board of Regents and the State Board of Community Colleges to determine criteria for receipt of the college-ready diploma.

The bill amends s. 233.061, F.S., to require that public schools teach the study of Hispanic and Women's contributions to the United States.

The bill provides postsecondary education fee exemptions for persons who have been at least 50 percent negatively financially impacted by the Lake Apopka restoration land buy-out. Students who wish to take advantage of the fee exemption cannot have received compensation because of

the buy-out, must be Florida residents for tuition purposes, and must have been denied financial aid that would have otherwise paid for tuition. Such students must begin course work by fall semester 2000. The exemption is valid for 4 years.

The bill amends s. 240.1163, F.S., to require that college-level dual enrollment courses be weighted the same as honors and advanced placement classes in determining grade point averages. Alternative grade point calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

The bill amends s. 240.311, F.S., to specify that local distance learning classes are exempt from a required annual administrative review to be submitted to the State Board of Community Colleges, provided that the classes are not marketed outside the district. Otherwise, the classes are subject to review.

The bill amends s. 240.321, F.S., to require community colleges to post or provide notification of alternative remedial options to traditional college-preparatory instruction. The information must be made available to students who score below college level in any area on the common placement test. Students who chose a private provider for remedial instruction may enroll in up to 12 credits of college-level courses in skill areas other than those for which they are being remediated. Such students are prohibited from enrolling in additional college-level courses until they score above the cut-score on all sections of the common placement test.

The bill amends s. 240.36, F.S., regarding the Dr. Phillip Benjamin Academic Improvement Trust Fund for Community Colleges, to put scholarships on par with other uses and to make the qualifications for the scholarship less tied to academic achievement. It also authorizes use of the fund for loans and need-based grants.

The bill revises various sections of statutes concerned with non-public career education schools to address fair consumer practices, in addition to minimum educational standards.

The bill amends s. 232.246, F.S., to require that high school graduation requirements include an additional one-half credit of physical education. Students participating in two seasons of an interscholastic sport at the varsity or junior varsity level may use such participation to satisfy the physical education requirement if they pass a competency test on personal fitness. The bill creates s. 233.0616, F.S., regarding personal fitness programs in elementary and middle schools. Specifically, these schools are encouraged to implement personal fitness programs that comply with American Heart Association guidelines.

The bill amends s. 240.61, F.S., to revise provisions relating to the College Reach-Out Program. The requirement that participating institutions also be participating in a federal program is removed.

The bill repeals ss. 240.521, 240.522, 240.523, and 240.525, F.S., thereby rescinding obsolete language concerning authorization to establish universities or university branches in East Central Florida or Southwest Florida, a 4-year college in Dade County, and a state university, or branch of an existing university or state college in Duval County, respectively. These universities now exist.

The bill provides for decentralization of certain financial aid programs such that postsecondary institutions are charged with award distribution and eligibility determination responsibilities.

The bill includes provisions regarding the Florida Pre-paid College Program. Specifically, the bill authorizes the Florida Prepaid Postsecondary Education Expense Program to provide contracts that cover local fees at community colleges and universities. It renames the program and its board and trust fund to the *Florida Prepaid College Program, Board, and Trust Fund*.

The bill revises provisions relating to Board of Regents to increase the membership from 12 to 13 and to reduce terms from 6 to 4 years. It removes a prohibition on providing a tenured faculty appointment to a university president who is terminated by the board or who resigns at the request of the board.

The bill creates a new section of statutes to provide for suspension and removal from office of elected student government officials.

If approved by the Governor, these provisions take effect July 1, 1998, except as otherwise provided.

Vote: Senate 38-0; House 113-1.

CS/SB 706 — High School Graduation Credit Requirements
by Education Committee and Senator Sullivan

This bill:

- Requires a school district to allow a student over the age of 16 to graduate from high school as soon as the student earns the 24 credits required by the state;
- Authorizes a school district to increase the number of academic courses required to graduate, if the district reduces the number of electives proportionately;

- Provides the school district with a financial incentive of 0.25 of a full-time-equivalent student funding appropriation for each student who graduates early; and
- Requires a student to pass a test and complete two seasons in an interscholastic sport to exempt the requirement to earn half a credit in physical education.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 37-0; House 87-28

