

SB 6-E — Dale Hickam Excellent Teaching Program

by Senator Sullivan, co-sponsored by every other member of the Senate

Senate Bill 6-E names the Excellent Teaching Program and Trust Fund in memory of the late R. Dale Hickam, Deputy Director of the Senate Appropriations Committee. Mr. Hickam's sudden death on April 4, 2002, ended 22 years of dedicated service to the Florida Senate.

Based on his research, the 1998 Legislature created and funded the Excellent Teaching Program to motivate teachers to undergo rigorous preparation for recognition by the National Board of Professional Teaching Standards and to reward those who earn the prestigious certificate. Under this program, the state pays 90 percent of the application fee and rewards successful applicants with an annual bonus of 10 percent of the statewide average teacher's salary. An additional annual 10 percent bonus is provided to teachers who hold NBPTS certification, have a satisfactory annual performance appraisal, and provide the equivalent of 12 workdays of mentoring services outside the 196 regular service days. In 1998, only 22 teachers in Florida held national board certification. Since the initiation of the Excellent Teaching Program, that number has increased to 2,260 in 2001-2002.

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

Vote: Senate 34-0; House 115-0

SB 20-E — Florida K-20 Education Code

by Senators Villalobos and Sullivan

This bill recreates the Florida School Code and reorganizes the sections into a different format. This extensive restructuring responds to a directive in ch. 2001-170, L.O.F., that the Florida Board of Education should recommend revisions to the education laws to reflect changes made in governance by the Constitutional amendments of 1998 and by the mandatory repeal of many of the sections of the code, effective January 7, 2003. In most cases, the bill reenacts laws under the new format with little or no changes. The following summary is of *major changes* made by the bill.

State Universities:

- Universities are removed from state agency status and designated as public corporations.
- Universities may establish their own personnel and pay programs in accordance with law and state board rule.
- University boards are the public employers and will collectively bargain locally.

- Universities may establish their own purchasing and contracting systems in accordance with law and state board rule.
- Universities will deposit funds outside the State Treasury and invest funds locally.
- University boards will exercise the right of eminent domain with approval of State Board of Education.
- Universities may hold title to lands purchased from non-state appropriated funds.
- Universities' continuing contracting authority and small construction project cap are increased from \$500,000 to \$1 million.
- The President of the University of Florida or his or her designee serves as chair of the nonprofit board of directors of Shands.
- Jurisdiction of university police is expanded to property and facilities of a university direct-support organization.
- An Alzheimer's Institute is created at the University of South Florida.
- The 5-percent cap on university carry forward of funds is eliminated. Universities are required to report when the 5-percent operating fund threshold is eclipsed.
- The bill establishes a process for each university to prepare a plan to move off the FFMS and FLAIR systems.
- The bill changes the responsibility of the approval of student government association internal procedures from the authority of the university president to the university board of trustees.
- The bill requires students who live in campus housing at a university or community college to have or refuse certain vaccinations. The institution is not required to pay for the vaccinations.

Community Colleges:

- Each community college will be required to submit an institutional budget request to the Florida Department of Education.
- The bill eliminates the 4 percent to 10 percent unencumbered fund balance requirement along with the penalty for having such a balance over 10 percent for more than two years. The bill only requires that community colleges notify the State Board of Education in writing if the fund balance falls below 5 percent.
- Community colleges that border another state may charge differential out-of-state fees.
- Community college matching fund programs are combined to allow greater administrative flexibility.
- The community college funding formula is amended to allow for the consideration of additional economic factors.
- Community colleges' law enforcement will have authority over direct-support property.
- In making determinations of admissions or employment, a community college will be able to take into consideration any past actions of a candidate.

School Districts:

Religious Rights

- The Florida Department of Education shall forward a copy of the United States Department of Education publication of religious rights in public schools to district school boards, superintendents, principals, and teachers.

McKay Scholarship Program

- The bill requires school districts to notify the parent of a student with a disability within 10 school days of the parent's application for a McKay scholarship, if a matrix of services is not available on the student.
- The school district must give the parent a date for completion of the matrix of services and notify the parent within 10 school days upon completion of the matrix of services.
- Until a district completes a matrix of services for the student, the student's McKay scholarship award will be calculated based upon Support Level I (lowest weighted level).
- The bill eliminates the specific date for a private school to notify the Department of Education of its intent to participate in the program. The requirement is removed that the parent notify the school district in writing of intent to participate in the program.
- A parent may electronically notify the school district through the Florida Department of Education of intent to participate in the program.

Charter Schools

- Charter school purposes are revised to include both mandatory and permissive objectives.
- Charter schools are exempt from fees for building permits as well as impact and service availability fees.
- The Commissioner of Education is authorized to identify in writing a dedicated funding source for charter school capital outlay.
- A Charter School Appeals Commission is created.
- Final appeal decision is vested with State Board of Education.

Florida School for the Deaf and the Blind

- The school may carry forward funds in the same manner as universities.

Curriculum/Diplomas/FCAT/Bright Futures Report Cards

- The State Board of Education will adopt rules for an assessment through which GED recipients may earn a standard high school diploma.
- The bill requires a plan to implement a foreign language curriculum.
- The bill requires a student to earn the score on the Grade 10 Florida Comprehensive Assessment Test (FCAT) that was required for high school graduation at the time the student first attempted the test.
- The bill requires school districts to notify parents of students with disabilities when classroom accommodations cannot be made on the FCAT. The bill requires parental consent for these accommodations to be made in the classroom.

- The bill allows students who complete one semester with a grade of “C” or better in a marching band class or in a physical activity class that requires participation in marching band activities as an extracurricular activity to satisfy a one-half credit requirement in physical education.
- The bill expands required character education to grades 7-12.
- School districts will assist high school students in determining their progress towards eligibility for a Bright Futures Scholarship. The district must annually provide to each high school student a complete Florida Bright Futures Scholarship report and key and must notify students that their report card grade-point average may differ from the Bright Futures grade-point average.

FEFP/Categorical Funds

- The Florida Education Finance Program will not be repealed, and reports of average daily attendance will not be required for the FEFP.
- For 2002–2003 only, school districts will have flexibility over their categorical funds.

Personnel/Certification

- School boards will have more time to act on personnel nominations when the Legislature adjourns earlier than May 31.
- School districts may develop their own alternative teacher certification program.
- School board members will set their own salaries at a public meeting, rather than having their pay ranges established in law.
- School boards may employ principals who are not certified educators, if the district uses an alternative route for certifying the principal.
- The bill eliminates from current law the collective bargaining limitation on awarding equivalent teaching service.
- The bill also requires the full-credit for teaching service to apply to experience in charter schools, either in-state or out-of-state.

Facilities

- School districts must include a plan for using existing relocatable facilities within a district 5-year program. The plan must be reviewed and approved by the Commissioner of Education by January 1, 2003. Relocatables that do not meet state standards at the end of the work program may no longer be used as classrooms. This does not negate the statutory requirement that relocatable classrooms over 20 years of age that were used as classrooms during the FY 1998-1999 must be removed from service by July 1, 2003.
- More school districts will qualify for awards from the school infrastructure thrift program because the space counted will not include hurricane shelters.

Liability/Medical Evaluations

- The bill narrows the liability exemption related to student athletes who opt out of medical examinations. The district will not be liable if the injury arises directly from the student’s

participation in interscholastic athletics, if the proximate cause of the injury or death is a condition that would have been revealed in the medical examination.

Audits

- The audit threshold for annual audits by the Auditor General of the school districts is increased from 125,000 in population to 150,000.
- The number of school districts undergoing annual audits is increased by 5.

CLEP/AP/IB Testing

- The bill deletes a provision that penalizes a student for using part of Bright Futures eligibility if the student succeeds in earning college credit through an acceleration mechanism. This requirement applies only to Medallion and Academic Scholars and only to students who enroll in public colleges or universities.
- The bill provides an incentive for passing a CLEP test or earning college credit through AP or IB credit by authorizing an exemption from the requirement to enroll in summer session for at least 9 credit hours.
- The bill retains the requirement that all Bright Futures Medallion and Gold Seal Scholarship recipients must take 5 CLEP tests, if they enroll in a public community college or state university. It does not authorize a penalty if students do not obey this requirement.
- The bill retains the requirement that the community college or university must pay for the CLEP tests, and does not authorize the use of any other college equivalency testing program.

Student Progression/Reading Requirements

- The bill requires retention of students whose reading deficiency is not remedied by the third grade, as demonstrated by scoring at Level 2 or higher on the third grade reading portion of the FCAT. Before third grade, students identified as having a substantial reading deficiency must be given intensive reading instruction.
- The bill requires that academic improvement plans describe specific areas of reading deficiency, desired levels of performance in these areas, and necessary support services.
- The bill requires written parental notification of a substantial reading disability, current services, proposed remediation, and a mandatory third grade retention requirement.
- The bill outlines good cause exemptions: Limited English Proficient Students who have had less than two years of instruction in an English for Speakers of Other Languages program; those with disabilities whose individual education plan (IEP) indicates that participation in the statewide assessments is not appropriate; those who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education; those who demonstrate, through a student portfolio, the mastery of the Sunshine State Standards in reading equal to a Level 2 performance on the FCAT; students with disabilities who were previously retained in kindergarten, first, or second grade, who participate in the FCAT and whose IEP or 504 plan shows a remaining deficiency after intensive remediation in reading for more than

two years; and students who have received the intensive remediation in reading for two or more years but still demonstrate a deficiency or who were previously retained in kindergarten, grade one, or grade two for a total of two years.

- The bill requires the teacher to document and report any good cause exemption to the principal. The principal reviews and reports a recommendation to the superintendent who makes the final decision. Each step of this process must be in writing.
- The bill gives the State Board of Education authority to enforce these provisions by requiring that districts submit relevant data, allowing the Commissioner of Education to investigate noncompliance, ordering compliance within a specified timeframe, and withholding funds in the event of continued noncompliance.

Florida Virtual School

- The name of the Florida Virtual High School is changed to the Florida Virtual School.
- The school districts are required to provide access for students to take courses with the school and to inform the public about educational opportunities in the school.
- The school is allowed to use patent and trademark revenue for marketing, in addition to research and development.

Florida School Recognition Program

- The bill conforms the Florida School Recognition Program to current practice of administering the program based upon the school grading system. Schools are eligible to receive a bonus if they receive an “A” or improve a letter grade.
- If school staff and the school advisory council cannot decide how to use the school recognition award by November 1, the award will be divided equally among all classroom teachers in the school.

Florida High School Activities Association

- The bill requires the board of directors of the Florida High School Activities Association (FHSAA) to examine alternative criteria for establishing administrative regions. The examination will include population; procedures to ensure appropriate diversity in the membership of the board; and opportunities to secure corporate financial support for high school athletic programs. By March 1, 2003, the board will report its findings to the Commissioner of Education, President of the Senate, and Speaker of the House.

Discipline/Zero-tolerance

- The possession of a firearm at school is included as a ground for required expulsion.
- A school district zero-tolerance policy is required to include referral to the criminal or juvenile justice system.
- A report of sexual battery committed on a student on school grounds is required.

Independent Postsecondary Institutions:

- The State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education are merged into one 7-member board to oversee both sectors.
- All colleges and schools will be licensed, except those under the jurisdiction of the Department of Education and religious colleges that verify their compliance with law.
- Accredited colleges will receive a license by means of accreditation.

State Board of Education:

- The appointed State Board of Education is the head of the Department of Education.
- The appointed Commissioner of Education is the Executive Director for the Department of Education.
- Three divisions are created within the Department of Education:
 - Division of Public Schools
 - Division of Community Colleges
 - Division of Colleges and Universities
- The Division of Independent Education is eliminated.
- The bill creates an Office of Private Schools and Home Education Programs within the Department of Education.
- The bill provides for the state board to be the entity responsible for ensuring that school districts and public postsecondary institutions comply with law and state board rule and authorizes a number of options to enforce compliance.
- The bill eliminates the Commissioner's waiver authority over law. However, it authorizes the Commissioner to waive state board rule, if the state board delegates to him that authority.
- The bill establishes the Office of Inspector General within the State Board of Education to be responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, community colleges, and universities in Florida.

This bill repeals the following sections of the Florida School Code, chapters 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, part I of chapter 243, 244, and 246, F.S. It creates chapters 1000 through 1013, F.S.

If approved by the Governor, these provisions take effect January 7, 2003, except as otherwise provided in the bill.

Vote: Senate 27-7; House 76-39

