


# MEMORANDUM

January 20, 2012

**TO:** The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

**FROM:** Alberto M. Carvalho, Superintendent of Schools 

**SUBJECT:** **REVISED - 2012 LEGISLATIVE UPDATE – January 10-13, 2012 - Week #1**

The 2012 legislative session convened on Tuesday, January 10, 2012. This session is expected to be low-key, with the Legislature focusing on re-districting and the development of the state budget for 2012-2013. The state continues to face revenue shortfalls of anywhere between \$1.2 billion to \$2 billion. The General Revenue Estimating Conference met Thursday, January 12, 2012, and according to its executive summary, total General Revenue has been running slightly over estimate since the October General Revenue Estimating Conference indicated that the state economy is growing, albeit slowly. The growth rate was not enough to modify the projected revenue estimates and therefore those revenue estimates remain unchanged for the 2012-2013 fiscal year.

The Florida House of Representatives is scheduled to release preliminary or draft budgets next week. The Speaker of the House, Dean Cannon, has indicated that he wants to finish the budgetary process during the regular 60-day session, while the Senate President has indicated that he would like to wait until later in the spring when better revenue projections may become available. Substantive education committees are focusing on higher education issues. The Speaker of the House and the Governor, in their respective opening session addresses, identified higher education as a priority. To that end, education subcommittees for pre-K through 12 in the House did not meet this week and are not expected to meet next week either. Below are actions taken on bills in committees and sessions this week related to education:

## Substantive Legislation

The school prayer bill, **SB 98**, sponsored by Senator Siplin, permits district school boards to adopt resolutions that allow student volunteers to deliver inspirational messages, including prayers, at secondary school level gatherings such as at commencements. If adopted, the resolution provides that:

- The use of a prayer of invocation or benediction is at the discretion of the student government;
- Student volunteers will deliver all prayers;
- All prayers of invocation or benediction must be nonsectarian and nonproselytizing in nature; and

- School personnel may not participate in, or otherwise influence, any student in determining whether or not to use prayers.

The bill passed the Senate Judiciary Committee favorably as a committee substitute. The bill has already been considered by the Senate PreK-12 Education Committee.

**SB 344**, sponsored by Senator Montford, authorizes commercial advertisements to be placed on the exterior of a school bus, according to district school board policies that delineate the content, placement, number, and cost of advertisements. All revenue from a contract shall be remitted to the respective school district, with 50 percent allocated for school district transportation, 25 percent allocated for programs as determined by the school district, and 25 percent allocated to the school district foundation for the creation of an endowment that provides income from the interest which is matched by corporate or individual gifts. The bill passed the Senate PreK-12 Committee favorably as a committee substitute.

The House companion, **HB 19**, sponsored by Representative Nelson, was considered by the House PreK-12 Education Appropriations Subcommittee. The bill is similar, but the distribution of revenue is different. School districts must allocate 50 percent of the revenue generated through advertisements on school buses to school district transportation; 40 percent to other programs as determined by the school district; and 10 percent to the district's driver education program, of which 30 percent must be allocated for behind the wheel instruction. If a district does not offer a driver education program, the 10 percent allocated for that program may be allocated for other programs as determined by the district.

**SB 366**, sponsored by Senator Gaetz, in-coming Senate President, requires each school district to enter into an interlocal agreement to establish a consortium purchase of health, accident, and hospitalization insurance for school district officers and employees unless a school board determines that purchasing such insurance outside the consortium plan is financially advantageous to the school district. The bill also specifies that collective bargaining is required consistent with Chapter 447, F.S. The bill passed the Senate Budget Subcommittee on PreK-12 Education favorably.

**SB 536**, sponsored by Senator Flores, provides that it is a 3<sup>rd</sup> degree felony for persons to sell or distribute obscene material to minors or post obscene materials on public and private school property. The bill passed the Senate PreK-12 Education Committee favorably with one technical title amendment. This is one of the issues included in the Board's legislative program. The House companion has been sponsored by Representative Bergen.

**SB 962**, sponsored by Senator Benaquisto, provides for an expansion of the Florida Tax Credit Scholarship Program by providing an increase in the tax credit cap from \$140 million to \$250 million and passed the Senate PreK-12 Education Committee

favorably as a committee substitute after significant discussion and opposition from Senators Bullard and Muntford.

**SB 368**, sponsored by Senator Gaetz, allows entities in a state of financial emergency to consult with other governmental bodies regarding the consolidation of administrative and support services. Plans created to end a financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative direction or support services. In addition, this bill provides that governing board members who fail to resolve a financial emergency may be suspended from office by executive order. The bill passed the full Senate without any amendments. The House companion, **HB 7031**, has not been heard.

**SB 416**, sponsored by Senator Detert, related to the prohibition to texting and the use of a communication device, passed its second committee of reference. The bill was amended by Senator Diaz de la Portilla, pursuant to Board's direction, to make it a larger offense in a school zone.

**HB 273**, sponsored by Representative Kiar, requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and in its model emergency management and preparedness procedures. The emergency response agencies listed must notify private schools in the school district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's emergency notification procedures. The bill passed the House Community and Military Affairs Subcommittee favorably.

As mentioned in committee, Representative Bileca and Senator Benaquisto, **HB 1191** and **SB 1718** respectively, have filed the Parent Empowerment Act which would allow parents to sign and date a petition to implement a specific turnaround model pursuant to F.S. 1008.33. The bill provides that if more than half of the parents of an elementary, middle, or high school sign and date a petition requesting a specified school improvement option, the local school board must submit that improvement plan to the State Board of Education in lieu of its recommended school district school improvement option.

The proposed legislation also provides that it is the right of parents to be informed of the performance rating of instructional personnel assigned to their child and requires that, upon request by a parent of a public school student, the superintendent will provide a copy of the performance evaluation of each teacher assigned to their child. Additionally, the legislation provides for the right of parents to be notified if a child is assigned to a teacher who is teaching out-of-field and of the availability of virtual instruction with certified instructors.

The district also would have to notify parents if any of their child's teachers has two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement. The Florida Parent Teacher Association and other parent groups throughout the state have taken positions against the legislation.

If you have any questions or need additional information, please contact Ms. Iraida R. Mendez-Cartaya, Assistant Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305 995-1497.

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cc: School Board Attorney  
Superintendent's Cabinet  
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