

MEMORANDUM

February 24, 2012

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

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

SUBJECT: 2012 LEGISLATIVE UPDATE – FEBRUARY 13, 2012 - FEBRUARY 17, 2012 - WEEK #6

The Florida Legislature has concluded its sixth week of the 2012 Legislative Session. There are only three weeks remaining in the regular session scheduled to conclude on Friday, March 9, 2012. Next week is the last week of scheduled committees, and the remaining two weeks will have both the House and Senate on the floor of its respective chamber; therefore, there is a flurry of bill action in order to position bills for floor action.

The Florida Senate heard its respective budget in Senate Budget on Wednesday and Thursday and is scheduled for final passage and floor action next week. As you may recall, the Florida House passed its respective budget over a week ago. Therefore, the conference process is expected to begin the week of February 27, 2012. Although the House budget (\$69.2 billion) and Senate budget (\$70.8 billion) are approximately \$1.6 billion apart in total dollars, in the Pre-K - 12 appropriations the difference is rather small, approximately \$100 million and probably can be easily resolved.

Substantive Legislation:

HB 903, sponsored by Representative Adkins, related to charter schools increases the accountability of charter schools by:

- Requiring the Commissioner of Education to annually determine a high-performing charter school's, or high-performing charter school system's, continued eligibility for "high-performing" status. A high-performing charter school or charter school system that fails to meet eligibility criteria will lose its classification as "high-performing."
- Prohibiting a sponsor from renewing a school's charter if the school has received two school grades of "F" within the three-year period prior to renewal. In addition, the bill requires the sponsor to terminate a charter if the school receives two school grades of "F" in any three-year period.
- Requiring each charter school to maintain a website with information or online links to information regarding any entity that owns, operates, or manages the school and any management fees the school pays to such entity.

The bill also:

- Authorizes Florida College System institutions with approved teacher preparation programs to establish one charter school which serves students in kindergarten through grade 12.
- Requires a sponsor to distribute a charter school's share of federal funds directly to the school unless otherwise mutually agreed to by the charter school and the sponsor.

The bill passed the House Pre-K - 12 Appropriations Subcommittee favorably as a committee substitute. However, amendments that would have required the creation of a Facility Stipend for charter schools funded by the school district failed on a tie vote after intense debate and public testimony from both sides. We do anticipate that this issue will surface again. The next stop for HB 903 is House Education. The Senate companion, SB 1852, sponsored by Wise, contains language requiring school districts to share the 1.5 millage with charter schools or an applicable amount from the district's formula allocation. The next stop for the Senate bill is the Senate Budget Committee. This is the biggest issue in the legislative process that could impact the district's budget for next year.

HB 465, sponsored by Representative Diaz, at the request of this Board, related to the General Obligation Bonds, cleared its last committee of reference with a hearing on Wednesday, February 15, 2012, in House Appropriations Committee. The bill is on second reading in the House and reading for passage in this chamber. As a reminder, the bill would revise requirements for school district bonds by providing school districts increased flexibility in issuing bonds that are paid for by ad valorem taxes or a sales tax surcharge. The bill extends the maximum duration of bonds from 20 years to 30 years unless a longer period is approved by the Department of Education (DOE). The bill authorizes school districts to determine the callability of the bonds. The companion bill, **SB 750**, sponsored by Senators Flores, is scheduled for a hearing in Senate Budget Finance and Tax next.

Another Board priority, **SB 980**, sponsored by Senator Margolis, related to flexibility in the allowable use of the current sales surtax, was passed out of Senate Education on Tuesday and is scheduled for a hearing in Senate Budget next. As you may recall, the bill was amended last week in House Finance and Tax and is currently revenue neutral, which in great part gutted the bill.

Finally, **SB 1522**, sponsored by Senator Montford, related to the accountability system, was heard in committee. The delay in the hearing was related to the approval of the federal waiver. The bill passed Senate Pre-K - 12 Education Committee favorably as a committee substitute.

SB 98, sponsored by Senator Siplin on prayer in schools, has already passed the full Senate and passed the House Education Committee favorably. The bill authorizes, but

does not require, a district school board to adopt a policy allowing an inspirational message to be delivered by students at a student assembly.

HB 1191, sponsored by Representative Bileca, entitled the Parent Empowerment in Education or Parent Trigger bill, has been modified since the last discussion with the Board. The bill enables parents to request implementation of a parent-selected turnaround option when a school does not sufficiently improve in the initial year of implementing a district-selected turnaround option. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students. The district school board may adopt the turnaround option selected by parents or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the State Board of Education. The state board may approve the district's plan or, if it determines that the parent-selected option is more likely to improve student performance at the school, require the school board to submit a plan for implementing the parent-selected option.

The bill also adds several new requirements related to the assignment of students to classroom teachers. The bill prohibits school districts from assigning a student in consecutive school years to a classroom teacher with an annual performance evaluation rating of unsatisfactory or needs improvement; authorizes a parent to request from the school district the performance evaluation of any classroom teacher assigned to his or her child; and requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher. The bill passed the House Education Committee favorably. The Senate companion, **SB 1718**, sponsored by Senator Benacquisto, passed the Senate Education Pre-K - 12 Committee and is now in Senate Budget.

HB 7063, a committee bill by K-20 Innovation Subcommittee on Digital Learning or virtual education, expands digital learning options for students in public schools. The bill allows students eligible to enter kindergarten through grade 5 to participate in Florida Virtual School Full Time (FLVS FT) full-time, district virtual instruction programs and full-time, virtual charter schools. The bill authorizes FLVS to expand part-time instruction to kindergarten through grade 3. The bill also expands part-time offerings for grades 4 and 5 by removing the limitation restricting students to taking grades 6 through 8 courses. The bill authorizes FLVS FT students to participate in interscholastic extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies.

The bill also requires FLVS to provide exceptional student education services and the English for Speakers of other Languages program to its eligible students and authorizes FLVS to receive funding for providing such services and programs. The bill passed the House Education Pre-K - 12 Appropriations Subcommittee. It is now in the House

Education Committee. The Senate companion, **SB 1402**, sponsored by Senator Gardiner, is in the Senate Education Pre-K - 12 Appropriations Subcommittee.

SB 1368, sponsored by Senator Gaetz, provides each student the option of graduating as soon as the student has earned 24 credits that meet high school graduation requirements. Students who graduate early will still be able to participate in high school graduation activities. The bill allows school districts to receive funding for more than 24 credits if the student completed unpaid high school credit delivered by the district in the prior year of enrollment. The additional funding is up to one full-time equivalent (FTE) for students graduating one year early and up to one-half FTE for students who graduate one semester early. For purposes of calculating high school grades, the bill allows a school to earn bonus points for students who graduate early or who take additional science, technology, engineering, and mathematics (STEM) courses.

The bill also creates Academically Challenging Curriculum to Enhance Learning options to provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12; establishes student eligibility requirements for participation in the Advanced Placement (AP) program, including minimum performance on assessments and a 3.0 GPA; requires districts to inform parents of the opportunities and benefits of acceleration options at the time of registering for school; and requires the Algebra I End Of Course assessment to be administered four times annually. The Senate Education Pre-K - 12 Committee passed the bill favorably as a committee substitute. The bill is similar to **HB 7059**, sponsored by Representative Stargel, which is now in the House Education Committee.

HB 859, sponsored by Representative Corcoran, related to the Florida Tax Credit Scholarship Program, modifies the eligibility requirements for the program. The bill increases the cap on the amount of tax credits available to the program that may be approved in a fiscal year from \$175 million to \$229 million for FY 2012-2013. For FY 2013-2014 and thereafter, the cap will increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year. The bill passed the House Education Pre-K - 12 Appropriations Subcommittee and is now in the House Education Committee. The Senate companion, **SB 962**, sponsored by Senator Benacquisto, is now in the Senate Budget Committee.

HB 1059, sponsored by Representative Perry, requires the DOE to create a uniform, statewide identification badge signifying that a non-instructional contractor has satisfied the specified background screening requirements. The badge must include a photograph of the contractor and be recognized by each Florida school district. School districts must issue the badge to a contractor if he or she is a U.S. resident and citizen or permanent resident alien; 18 years of age or older; and meets the specified background screening requirements.

Non-instructional contractors will be charged a fee (as set by DOE) for the identification badge. Currently school districts that issue identification badges set their own fee. The

bill eliminates the practice of other districts not initially conducting the background screening and issuing the identification badge from also requiring a badge and charging a fee. The bill passed the House Pre-K - 12 Appropriations Subcommittee and is now in House Education. The Senate companion, **SB 1610**, passed the Senate PreK-12 Education Committee.

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
Ms. Carolyn Nelson-Goedert