

**PreK - 12 Education
Committee
Revised**

**Meeting
Tuesday, March 21, 2006
2:15 — 5:15 p.m.
Morris Hall**

1 A bill to be entitled
 2 An act relating to Veterans' Day; requiring school
 3 districts to observe Veterans' Day; prohibiting holding
 4 classes on that day; providing an exception; requiring the
 5 date of the Veterans' Day observance to correspond with
 6 the federal holiday; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Each school district must observe November 11
 11 of each year as the Veterans' Day holiday. Classes may not be
 12 held on such holiday for any reason except for a declared state
 13 emergency. If November 11 falls on a Saturday or Sunday, a
 14 school holiday shall be observed on a weekday immediately
 15 following or preceding that weekend so as to correspond with the
 16 date that Veterans' Day is observed as a federal holiday.

17 Section 2. This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- This bill requires school districts to observe November 11 as the Veteran's Day holiday. School districts currently have discretion to designate dates for the observance of school holidays.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Current Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district. District school boards are responsible for designating dates for the start and end of the school year, school holidays and vacation periods, and inservice and teacher planning days.¹ Florida law requires each school board to conduct programs pertaining to the contributions and sacrifices that veterans have made in serving our country on or before Veteran's Day and Memorial Day.² According to the Department of Education, forty eight Florida school districts designated Veteran's Day as a school holiday during the 2005-2006 school year.³

Effect of Proposed Changes:

House bill 397 requires each school district to observe November 11 of each year as the Veteran's Day holiday. The bill provides that observance of Veteran's Day correspond with federal observance when November 11 falls on a Saturday or Sunday.

The bill provides that no classes may be held for any reason except to make up instructional time lost due to a declared state of emergency.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring school districts to observe Veteran's Day.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹ Section 1001.42(4), F.S.

² Section 1003.42(2)(r), F.S.

³ Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 available at <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
 2 An act relating to use of school district millage;
 3 amending ss. 200.065 and 1011.71, F.S.; expanding
 4 authorized school board millage levy funding to include
 5 payment of premiums for property and casualty insurance
 6 necessary to insure school district educational plants;
 7 limiting expenditures of operating revenues; providing an
 8 effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12 Section 1. Paragraph (a) of subsection (9) of section
 13 200.065, Florida Statutes, is amended to read:

14 200.065 Method of fixing millage.--

15 (9) (a) In addition to the notice required in subsection
 16 (3), a district school board shall publish a second notice of
 17 intent to levy additional taxes under s. 1011.71(2). Such notice
 18 shall specify the projects or number of school buses anticipated
 19 to be funded by such additional taxes and shall be published in
 20 the size, within the time periods, adjacent to, and in
 21 substantial conformity with the advertisement required under
 22 subsection (3). The projects shall be listed in priority within
 23 each category as follows: construction and remodeling;
 24 maintenance, renovation, and repair; motor vehicle purchases;
 25 new and replacement equipment; payments for educational
 26 facilities and sites due under a lease-purchase agreement;
 27 payments for renting and leasing educational facilities and
 28 sites; payments of loans approved pursuant to ss. 1011.14 and

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 1011.15; payment of costs of compliance with environmental
 30 statutes and regulations; payment of premiums for property and
 31 casualty insurance necessary to insure the educational plants of
 32 the school district; payment of costs of leasing relocatable
 33 educational facilities; and payments to private entities to
 34 offset the cost of school buses pursuant to s. 1011.71(2)(i).
 35 The additional notice shall be in the following form, except
 36 that if the district school board is proposing to levy the same
 37 millage under s. 1011.71(2) which it levied in the prior year,
 38 the words "continue to" shall be inserted before the word
 39 "impose" in the first sentence, and except that the second
 40 sentence of the second paragraph shall be deleted if the
 41 district is advertising pursuant to paragraph (3)(e):

42
 43 NOTICE OF TAX FOR SCHOOL
 44 CAPITAL OUTLAY

45
 46 The (name of school district) will soon consider a
 47 measure to impose a (number) mill property tax for the
 48 capital outlay projects listed herein.

49 This tax is in addition to the school board's proposed tax
 50 of (number) mills for operating expenses and is proposed
 51 solely at the discretion of the school board. THE PROPOSED
 52 COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES
 53 AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

54 The capital outlay tax will generate approximately \$
 55 (amount) , to be used for the following projects:

56

57 (list of capital outlay projects)

58

59 All concerned citizens are invited to a public hearing to
60 be held on (date and time) at (meeting place) .

61 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
62 made at this hearing.

63 Section 2. Paragraph (j) is added to subsection (2) of
64 section 1011.71, Florida Statutes, and paragraph (a) of
65 subsection (5) of that section is amended, to read:

66 1011.71 District school tax.--

67 (2) In addition to the maximum millage levy as provided in
68 subsection (1), each school board may levy not more than 2 mills
69 against the taxable value for school purposes to fund:

70 (j) Payment of premiums for property and casualty
71 insurance necessary to insure the educational plants of the
72 school district.

73

74 Violations of these expenditure provisions shall result in an
75 equal dollar reduction in the Florida Education Finance Program
76 (FEFP) funds for the violating district in the fiscal year
77 following the audit citation.

78 (5)(a) It is the intent of the Legislature that, by July
79 1, 2003, revenue generated by the millage levy authorized by
80 subsection (2) should be used only for the costs of
81 construction, renovation, remodeling, maintenance, and repair of
82 the educational plant; for the purchase, lease, or lease-
83 purchase of equipment, educational plants, and construction
84 materials directly related to the delivery of student

85 instruction; for the rental or lease of existing buildings, or
 86 space within existing buildings, originally constructed or used
 87 for purposes other than education, for conversion to use as
 88 educational facilities; for payment of premiums for property and
 89 casualty insurance necessary to insure the educational plants of
 90 the school district; for the opening day collection for the
 91 library media center of a new school; for the purchase, lease-
 92 purchase, or lease of school buses or the payment to a private
 93 entity to offset the cost of school buses pursuant to paragraph
 94 (2)(i); and for servicing of payments related to certificates of
 95 participation issued for any purpose prior to the effective date
 96 of this act. Costs associated with the lease-purchase of
 97 equipment, educational plants, and school buses may include the
 98 issuance of certificates of participation on or after the
 99 effective date of this act and the servicing of payments related
 100 to certificates so issued. For purposes of this section,
 101 "maintenance and repair" is defined in s. 1013.01. Each year
 102 operating revenues are made available through the payment of
 103 property and casualty insurance premiums from revenues generated
 104 under this subsection or subsection (2), such operating revenues
 105 may be expended only for nonrecurring operational expenditures
 106 of the school district.

107
 108 A district that violates these expenditure restrictions shall
 109 have an equal dollar reduction in funds appropriated to the
 110 district under s. 1011.62 in the fiscal year following the audit
 111 citation. The expenditure restrictions do not apply to any
 112 school district that certifies to the Commissioner of Education

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113 | that all of the district's instructional space needs for the
114 | next 5 years can be met from capital outlay sources that the
115 | district reasonably expects to receive during the next 5 years
116 | or from alternative scheduling or construction, leasing,
117 | rezoning, or technological methodologies that exhibit sound
118 | management.

119 | Section 3. This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 9(b) of Article VII of the Florida Constitution authorizes school districts to levy ad valorem taxes for school purposes. Revenues generated for school purposes are capped at 10 mills. Current Florida law authorizes school districts to levy funds for non-operating capital outlay projects via a discretionary levy of additional ad valorem property tax revenues without voter approval.¹ A district school board is required to publish notice of its intent to levy additional taxes in the newspaper of general circulation serving the school district.² The public notice must specify the projects to be funded from the revenue, and identify each project in priority order.

Expenditure of funds collected through the levy of the non-operating discretionary two mill levy is limited to the uses specified in statute.³ The payment of insurance premiums on the district's educational plant is not one of those specified purposes. Currently, premiums are paid from a district's operating budget revenues.

Proposed Changes

House bill 481 authorizes the payment of property and casualty insurance premiums on school district educational plants from discretionary two mill tax revenues. The bill amends both the public notice requirements and the list of approved expenditures that may be paid from the proceeds of a district's discretionary two mill tax levy. The bill requires that if insurance premiums are paid out of the two-mill non-operating millage, the operating revenue saved must be used for non-recurring operational expenditures only.

C. SECTION DIRECTORY:

Section 1. Amends s. 200.065, F.S.; to require public notice.

Section 2. Amends s. 1011.71, F.S.; to add property and casualty insurance to the list of authorized expenditures.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹ Section 1011.71(2), F.S.

² Section 200.065(9), F.S.

³ Section 1011.71(2) and (5), F.S.

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

The bill does not increase or decrease revenues or expenditures. It provides flexibility to districts to use their discretionary two mill funds for an additional purpose.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
 2 An act relating to school safety; creating s. 1006.147,
 3 F.S.; providing legislative intent; prohibiting bullying
 4 and harassment during education programs and activities,
 5 on school buses, or through use of data or computer
 6 software accessed through computer systems of certain
 7 educational institutions; providing definitions; requiring
 8 each school district to adopt a policy prohibiting such
 9 bullying and harassment; providing minimum requirements
 10 for the contents of the policy; requiring the Department
 11 of Education to develop model policies; providing
 12 immunity; providing restrictions with respect to defense
 13 of an action and application of the section; requiring
 14 department approval of a school district's policy and
 15 school district compliance with reporting procedures as
 16 prerequisites to receipt of safe schools funds; requiring
 17 a report on implementation; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 1006.147, Florida Statutes, is created
 22 to read:

23 1006.147 Bullying and harassment prohibited.--
 24 (1) It is the intent of the Legislature that school
 25 districts take every reasonable precaution to protect students
 26 and school employees from the irreparable physiological,
 27 physical, emotional, mental, and social harm of bullying and
 28 harassment. It is the further intent of the Legislature that

29 nothing in this section be construed to abridge the rights of
 30 students or school employees that are protected by the First
 31 Amendment to the Constitution of the United States.

32 (2) Bullying or harassment of any student or school
 33 employee is prohibited:

34 (a) During any education program or activity conducted by
 35 a public K-12 educational institution;

36 (b) During any school-related or school-sponsored program
 37 or activity or on a school bus of a public K-12 educational
 38 institution; or

39 (c) Through the use of data or computer software that is
 40 accessed through a computer, computer system, or computer
 41 network of a public K-12 educational institution.

42 (3) For purposes of this section:

43 (a) "Bullying" means substantial:

- 44 1. Teasing;
- 45 2. Social exclusion;
- 46 3. Threat;
- 47 4. Intimidation;
- 48 5. Physical violence;
- 49 6. Theft;
- 50 7. Sexual or racial harassment;
- 51 8. Public humiliation; or
- 52 9. Destruction of property.

53 (b) "Harassment" means any threatening, insulting, or
 54 dehumanizing gesture, use of data or computer software, or
 55 written, verbal, or physical conduct directed against a student
 56 or school employee that:

57 1. Places a student or school employee in reasonable fear
 58 of harm to his or her person or damage to his or her property;

59 2. Has the effect of substantially interfering with a
 60 student's educational performance, opportunities, or benefits;
 61 or

62 3. Has the effect of substantially disrupting the orderly
 63 operation of a school.

64 (c) Definitions in s. 815.03, which are applicable to
 65 chapter 815, the Florida Computer Crimes Act, are applicable to
 66 this section.

67 (d) The terms "bullying" and "harassment" include:

68 1. Retaliation against a student or school employee by
 69 another student or school employee for asserting or alleging an
 70 act of bullying or harassment. Reporting an act of bullying or
 71 harassment that is not made in good faith is considered
 72 retaliation.

73 2. Perpetuation of conduct listed in paragraph (a) or
 74 paragraph (b), by an individual or group, with intent to demean,
 75 dehumanize, embarrass, or cause physical harm to a student or
 76 school employee, by:

77 a. Incitement or coercion;

78 b. Accessing or knowingly causing or providing access to
 79 data or computer software through a computer, computer system,
 80 or computer network within the scope of the district school
 81 system; or

82 c. Acting in a manner that has an effect substantially
 83 similar to the effect of bullying or harassment.

84 (4) By September 1, 2006, each school district shall adopt
 85 a policy prohibiting bullying and harassment on school property,
 86 at a school-related or school-sponsored program or activity, on
 87 a school bus, or through the use of data or computer software
 88 that is accessed through a computer, computer system, or
 89 computer network within the scope of the district school system.
 90 The school district policy shall not establish categories of
 91 students but shall afford all students the same protection
 92 regardless of their status under law. The school district shall
 93 involve students, parents, teachers, administrators, school
 94 staff, school volunteers, community representatives, and local
 95 law enforcement agencies in the process of adopting the policy.
 96 The school district policy must be implemented in a manner that
 97 is ongoing throughout the school year and integrated with a
 98 school's curriculum, a school's discipline policies, and other
 99 violence prevention efforts. The school district policy must
 100 contain, at a minimum, the following components:
 101 (a) A statement prohibiting bullying and harassment.
 102 (b) A definition of bullying and harassment.
 103 (c) A description of the type of behavior expected from
 104 each student and school employee.
 105 (d) The consequences for a person who commits an act of
 106 bullying or harassment.
 107 (e) The consequences for a person found to have wrongfully
 108 and intentionally accused another of an act of bullying or
 109 harassment.
 110 (f) A procedure for reporting an act of bullying or
 111 harassment, including provisions that permit a person to

112 anonymously report such an act. However, this paragraph does not
 113 permit formal disciplinary action to be based solely on an
 114 anonymous report.

115 (g) A procedure for the prompt investigation of a report
 116 of bullying or harassment and the persons responsible for the
 117 investigation. The investigation of a reported act of bullying
 118 or harassment is deemed to be a school-related activity and
 119 begins with a report of such an act.

120 (h) A process to investigate whether a reported act of
 121 bullying or harassment is within the scope of the district
 122 school system and, if not, a process for referral of such an act
 123 to the appropriate jurisdiction.

124 (i) A procedure to refer victims and perpetrators of
 125 bullying or harassment for counseling.

126 (j) A procedure for including incidents of bullying or
 127 harassment in the school's report of safety and discipline data
 128 required under s. 1006.09(6). The report must include each
 129 incident of bullying and harassment and the resulting
 130 consequences, including discipline and referrals. The report
 131 must include in a separate section each reported incident of
 132 bullying or harassment that does not meet the criteria of a
 133 prohibited act under this section with recommendations regarding
 134 such incidents. The Department of Education shall aggregate
 135 information contained in the reports and submit an annual report
 136 to the President of the Senate and the Speaker of the House of
 137 Representatives by January 1.

138 (k) A procedure for providing instruction to students,
 139 parents, teachers, school administrators, counseling staff, and

140 school volunteers on identifying, preventing, and responding to
 141 bullying or harassment.

142 (1) To the extent permitted under the federal Family
 143 Educational Rights and Privacy Act of 1974, as amended, a
 144 procedure for monthly reporting to a victim's parents all
 145 actions instituted against a perpetrator of bullying or
 146 harassment and the action taken to prevent any further acts of
 147 bullying or harassment.

148 (m) A procedure for publicizing the policy which must
 149 include its publication in the code of student conduct required
 150 under s. 1006.07(2) and in all employee handbooks.

151 (5) To assist school districts in developing policies for
 152 the prevention of bullying and harassment, the Department of
 153 Education shall develop model policies which must be provided to
 154 school districts no later than July 1, 2006.

155 (6) A school employee, school volunteer, student, or
 156 parent who promptly reports in good faith an act of bullying or
 157 harassment to the appropriate school official designated in the
 158 school district's policy and who makes this report in compliance
 159 with the procedures set forth in the policy is immune from a
 160 cause of action for damages arising out of the reporting itself
 161 or any failure to remedy the reported incident.

162 (7)(a) The physical location or time of access of a
 163 computer-related incident cannot be raised as a defense in any
 164 disciplinary action or prosecution initiated under this section.

165 (b) This section does not apply to any person who uses
 166 data or computer software that is accessed through a computer,
 167 computer system, or computer network when acting within the

168 scope of his or her lawful employment or investigating a
 169 violation of this section in accordance with school district
 170 policy.

171 (8) Distribution of safe schools funds to a school
 172 district provided in the 2007-2008 General Appropriations Act is
 173 contingent upon Department of Education approval of the school
 174 district's bullying and harassment policy. Distribution of safe
 175 schools funds provided to each school district in fiscal year
 176 2008-2009 and thereafter shall be contingent upon school
 177 district compliance with all reporting procedures contained in
 178 this section.

179 (9) On or before January of each year, the Commissioner of
 180 Education shall report to the Senate and House of
 181 Representatives committees on education on the implementation of
 182 this section. The report shall include pertinent data such as
 183 incidences of bullying and harassment identified by the school
 184 districts.

185 Section 2. This act shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill requires local school districts to adopt policies prohibiting bullying and harassment.

Promote Personal Responsibility-- The bill requires local school districts to establish punishments and interventions for dealing with perpetrators of bullying or harassment.

Safeguard Individual Liberty-- The bill reduces the likelihood that bullying and harassment will interfere with student's learning and social development.

Empower Families-- The bill requires school authorities to report all actions taken against a perpetrator of bullying and harassment to the victim's parents.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Student Discipline and School Safety

Florida law requires district school boards to establish student safety and discipline policies governing student conduct on school grounds, at school sponsored activities, and on school buses.¹ Subject to certain requirements, school districts retain considerable flexibility in formulating student discipline policies. Policies must address several issues including:

- A code of student conduct that clearly explains the rights and responsibilities of students regarding respect for persons and property.
- Prohibition against student possession of a firearm or weapon on school grounds or at school sponsored activities and notice to students that violation of this provision may result in expulsion and referral to a criminal or juvenile justice facility.
- Notice that student acts of prohibited behavior at school, on a school bus, at a school bus stop, sexual harassment, and violence against any school district employee are subject to disciplinary action.
- Policies for assigning a violent or disruptive student to an alternative program.
- Consistent policies and procedures for dealing with prohibited acts, including imposition of criminal penalties.

Additionally, Florida law² and State Board of Education Rule (SBE)³ require district school boards to adopt a zero tolerance policy for violent crime, victimization, and substance abuse. District school boards must ensure that students found to have committed certain offenses receive the most severe penalties available under district school board policy.⁴ Likewise, district school boards are authorized to attach more severe consequences to disciplinary violations motivated by hostility towards a victim's gender, race, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.⁵ School officials are required to protect students who are victimized by violent crime, including notifying a victim's parents that an incident has occurred and of the victim's right to press charges, transferring the

1 Section 1006.07, F.S.

2 Section 1006.13, F.S.

3 State Board of Education Rule 6A-1.0404.

4 Id.

5 Id.

perpetrator to another school in the district, and banning the perpetrator from riding the same school bus as the victim.⁶

Florida law assigns specific duties relating to the enforcement of student discipline to certain school district personnel. These duties include:

- District school superintendents are required to recommend student safety and discipline policies to the district school board.⁷
- School principals must collaborate with teachers to establish and enforce classroom rules for student conduct and procedures for disciplinary referrals.⁸
- School principals must comply with certain requirements for reporting incidents of student misconduct.⁹ The School Environmental Safety Incident Reporting System (SESIR)¹⁰ requires schools to report serious safety incidents involving students that occur on school grounds, on school transportation, or off-campus at school-sponsored events. School-level data is compiled at the district-level and reported to the Department of Education (DOE).
- School bus drivers are responsible for maintaining order and security on district buses.¹¹

Bullying and Harassment

The U.S. Department of Education (U.S. DOE) reports that 7% of students aged 12-18 reported being bullied at school in 2003.¹² State anti-bullying legislation has gained in prevalence since a rash of highly publicized school shootings in the late 1990s.¹³ Currently, several states have enacted anti-bullying legislation. These states include Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Louisiana, Maine, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington and West Virginia.¹⁴

Current Florida law does not require school districts to implement a district-wide anti-bullying and harassment policy. According to the DOE, 33 Florida school districts have implemented bullying prevention programs.¹⁵

- Aggression Replacement Training (ART) – Hernando;
- Aggressors, Victims, Bystanders - Brevard, Collier, Columbia, DeSoto, Dixie, Escambia, FAU Lab School, Flagler, Glades, Lafayette, Levy, Manatee, Okaloosa, Palm Beach, Pinellas, Santa Rosa, Sarasota, St. Lucie, Union, and Volusia;
- Bullying Prevention (Olweus) - FAU Lab School, Orange, Pasco, Pinellas, Sarasota, Seminole, and Sumter;
- Bully-Proofing Your School – Brevard and Volusia;
- Bullying Safe – Lee;
- Foundations: Creating Safe and Civil Schools – Clay and Duval;
- PATHS – Okaloosa;
- PeaceBuilders – Franklin and Gulf;

6 Section 1006.13(1)(b), (5), F.S.

7 Section 1006.08, F.S.

8 Section 1006.09, F.S.

9 Section 1001.54(3), F.S. and s. 1006.09(6), F.S.

10 Florida Department of Education, *The School Environmental Safety Incident Reporting System (SESIR) District and Statewide Reports*, available at <http://www.firn.edu/doe/besss/sesir.htm>.

11 Section 1006.10, F.S.

12 The U.S. Department of Education, National Center for Education Statistics, *Indicators of School Crime and Safety: 2005*, NCES 2006-001, November 2005, available at <http://nces.ed.gov/programs/crimeindicators/Indicators.asp?PubPageNumber=12>.

13 Education Commission of the States, *State Anti-Bullying Statutes*, by Jennifer Dounay, April 2005, available at <http://www.ecs.org/clearinghouse/60/41/6041.htm>.

14 Education Commission of the States, *State Anti-Bullying Statutes*, by Jennifer Dounay, April 2005, available at <http://www.ecs.org/clearinghouse/60/41/6041.htm> and Education Commission of the States, *Recent State Policies and Activities Update: Student Discipline: Bullying Statutes*, available at <http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&RestrictToCategory=Safety/Student+Discipline--Bullying/Conflict+Resolution>.

15 Florida Department of Education, *Bullying Programs in Florida Districts* available at http://www.firn.edu/doe/besss/bull_fl.html.

- Positive Action – Charlotte and Leon;
- Project ACHIEVE – Charlotte;
- Safe Schools Ambassadors – Seminole;
- Success in Stages: Build Respect, Stop Bullying – Union; and
- TRUST - Miami-Dade.

Safe Schools Funding

Safe schools funding is a component of the Florida Education Finance Program¹⁶ and is allocated by the legislature as proviso language in the General Appropriations Act.¹⁷ The Legislature appropriated \$75,350,000 in safe schools funds for the 2005-2006 school year. Safe schools funds are allocated as follows:

- A basic amount of \$50,000 is distributed to each Florida school district or lab school.
- Two-thirds of the remaining balance is allocated based on the latest official Florida Crime Index as provided by the Florida Department of Law Enforcement.
- One-third is allocated based on each district's share of the state's total unweighted student enrollment.

School districts may use safe schools funds to implement after school programs, conflict resolution strategies, alternative school programs for adjudicated youth, and other improvements to make the school a safe place to learn. School districts have flexibility to determine how much of its total allocation to use for each authorized Safe Schools activity.

Effect of Proposed Changes:

Prohibition of Bullying and Harassment

House bill 535 prohibits bullying and harassment on school grounds, at school sponsored functions, on school buses, and school district controlled computer equipment and networks. The bill defines "bullying" to include teasing, social exclusion, threats, intimidation, physical violence, theft, sexual or racial harassment, public humiliation, or destruction of property. "Harassment" is defined to include threatening, insulting, or dehumanizing gestures, use of a computer, and written, verbal, or physical conduct targeted at a student or school employee that:

- Causes the student or school employee to reasonably fear harm to person or property;
- Substantially interferes with the student's educational performance; or
- Substantially disrupts the orderly operation of the school.

Also falling within the bill's scope are certain acts of retaliation against individuals who report an act of bullying or harassment, acts that incite or coerce others to perpetrate an act of bullying or harassment, accessing or causing others to access another student's computer data or software for bullying and harassment purposes via school operated computers, and other acts having the effect of bullying and harassment.

Bullying and Harassment Policies

The bill requires each school district to adopt a policy prohibiting bullying and harassment. The policies must apply evenly to all students and explicitly prohibits a school district from creating special classifications of protected students based on student characteristics. Each school district must involve a variety of stakeholders in devising its bullying and harassment policy. The bill further requires each school district to integrate its bullying and harassment policy into the district's year round school curriculum, discipline policies, and violence prevention efforts. Moreover, the bill provides conditions for immunity from suit for specified individuals who report an incident of bullying or harassment. The bill

¹⁶ Section 1011.62(5)(b)3., F.S.

¹⁷ Line Item 73 of the Conference Committee Report on SB 2600, Enrolled Chapter 2005-70, Laws of Florida.

bars perpetrators who access a computer to bully or harass from raising the location or time of access of the computer as a defense.

Additionally, school district bullying and harassment policies must contain the following components:

- A definition of bullying and harassment and statement that such conduct is prohibited;
- Clearly stated consequences for committing or falsely accusing another of bullying or harassment;
- A procedure for reporting a proscribed act;
- A procedure for investigating whether a reported incident of bullying and harassment is within the scope of the school district's policy. Acts determined to be outside the scope of the school district's policy are to be referred to the appropriate authorities;
- A procedure for referring a victim or perpetrator of bullying or harassment to counseling;
- A procedure including incidents of bullying and harassment in its SESIR;
- A procedure for training students, parents, school volunteers and school staff effective tactics for identifying and addressing incidents of bullying and harassment; and
- A procedure for reporting all measures taken against a perpetrator of bullying and harassment to a victim's parents.

The bill requires the DOE to adopt model bullying and harassment policies to assist school districts. The bill also requires each school district to publish its policy in the district's code of student conduct and all employee handbooks. The bill further requires the Commissioner to report to the education committees of the Legislature as to the progress made by districts in implementing the bill's provisions.

The bill makes disbursements of safe schools funding to school districts contingent upon the district's adopting a bullying and harassment policy for the 2007-2008 school year. To receive disbursements of safe schools funding in subsequent school years, school districts must comply with all reporting requirements set forth in the bill. A school district's failure to comply with either of these requirements will result in a withholding of safe schools funding.

C. SECTION DIRECTORY:

Section 1: Creates section 1006.147, F.S., prohibiting bullying and harassment in Florida schools; requiring each school district to adopt a policy for preventing and addressing incidents of bullying and harassment.

Section 2: Provides that the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

School districts that fail to adopt a bullying and harassment policy by the 2007-2008 school year may have their safe schools funding withheld. Subsequent disbursements of safe schools funds may be withheld to school districts that fail to comply with any reporting provisions contained in the bill.

School districts may incur costs in developing bullying and harassment policies, and in providing the required training to students, parents, school volunteers, and school employees.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The requirement that school districts report all actions taken against a perpetrator of bullying or harassment to a victim's parents may exceed the scope of current federal and Florida laws governing the privacy of student records. The federal Family Educational Rights and Privacy Act (FERPA)¹⁸ and Section 1002.22, F.S. prohibit educational institutions from disclosing certain student educational records without parental consent. FERPA defines student records as those records maintained by an educational institution directly relating to a student.¹⁹ Florida law expands upon this definition to include all material incorporated into a student's cumulative record folder as well as verified reports of serious or recurrent behavior patterns exhibited by the student.²⁰ Issuing reports to victim's parents that contain student-specific disciplinary information is not among the exceptions to the requirement that school districts obtain parental consent prior to disclosing student record information as provided by FERPA and s. 1002.22, F.S.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

¹⁸ The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99. This federal statute applies to educational institutions that receive federal funds.

¹⁹ 20 U.S.C. § 1232g(a)(4)(A).

²⁰ Section 1002.22(2)(c).

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A bill to be entitled
 An act relating to school food service programs; amending
 s. 1006.06, F.S.; requiring district school board plans to
 eliminate the sale or use of products containing high-
 fructose corn syrup from school food service programs and
 on school grounds; requiring Department of Education
 approval of plans, monitoring of plan implementation, and
 reporting; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) is added to section 1006.06,
 Florida Statutes, to read:

1006.06 School food service programs.--

(6) By January 1, 2007, each district school board shall
submit to the department a plan to eliminate the sale or use of
products containing high-fructose corn syrup from school food
service programs and on school grounds. The plan must contain a
schedule to accomplish the elimination of products containing
high-fructose corn syrup by July 1, 2007, and must be approved
by the department. The department shall monitor the
implementation of each district school board's plan and provide
a report on such implementation to the President of the Senate
and the Speaker of the House of Representatives by January 1,
2008, and annually thereafter.

Section 2. This act shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower Families – The bill would provide students a school meal without using high-fructose corn syrup products and remove high-fructose corn syrup products from school grounds.

Government Regulation – The bill requires the DOE to monitor the high-fructose corn syrup content of products on school grounds and served through food service programs.

B. EFFECT OF PROPOSED CHANGES:

School food service programs are designed to meet the nutritional needs of students for the purpose of helping students develop and learn. Currently, the National School Lunch Act, the State Board of Education, and federal law regulate school food service programs. District school boards are responsible for adopting policies, based on the recommendations of the district school superintendent, to provide for an appropriate food and nutrition program consistent with law.¹

High-fructose corn syrup is an ingredient in cereals, meat products, condiments, dairy products, sauces, dressings, beverages, crackers and other foods. Because of its low cost, compatibility with other ingredients and preservation ability, it is used often by large-scale food manufacturers.²

High-fructose corn syrup is absorbed and metabolized similarly to sucrose and is classified by the US Food and Drug Administration as “Generally Recognized as Safe.”³ Corn syrup consumption has been positively associated with type 2 diabetes, but there has been no causal relationship established between the two. Type 2 diabetes has also been linked to obesity. Currently it is difficult to determine the amount of high-fructose corn syrup in the food supply; therefore it is difficult to determine how high-fructose corn syrup has contributed to obesity.⁴

The bill sets a schedule districts must meet to eliminate high-fructose corn syrup products from school food service programs and school grounds. Changing the requirements of foods currently used in school food service programs would require additional research and evaluation for accepting appropriate products. Reformulating products could cause additional expenses and be a time-consuming process for school food services. School district bid processes currently examine products based on the following: the eight nutrient guidelines cited by Federal Regulations; student acceptability/popularity; and labor intensity of the product. A change in the law would require the bid process to find products that meet all of the current requirements in addition to the high-fructose corn syrup elimination policy.⁵

C. SECTION DIRECTORY:

¹ S. 1006.06, F.S.

² Florida Department of Education Bill Analysis, HB 629.

³ “Nutrition Today”, Volume 40, No. 6, p.248

⁴ “Nutrition Today”, Volume 40, No. 6, p. 255

⁵ Florida Department of Education Bill Analysis, HB 629.

Section 1: Requires development and implementation of a plan; requires DOE to monitor and report on the plan.

Section 2: Establishes an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill would require additional DOE staff to monitor implementation. Based upon the calculations of the DOE, three staff positions would be needed with combined annual salaries totaling \$191, 259, and annual travel costs of \$38,880.⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There would likely be a decrease in sales for suppliers of products containing high fructose corn syrup.

D. FISCAL COMMENTS:

The overall fiscal impact of the bill is indeterminate. There would be short term impacts to eliminate and replace food products. There could be long term savings in health costs if obesity and diabetes were reduced.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require local governments to take any action because there is no requirement to use local funding.

2. Other:

None.

⁶ Florida Department of Education Bill Analysis, HB 629.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled
 An act relating to public school magnet programs; creating
 s. 1011.755, F.S.; creating a grant program to enable
 school districts to establish magnet programs in certain
 schools; providing for program administration and adoption
 of rules; requiring submission of proposals and
 distribution of funds; providing for implementation to the
 extent funds are appropriated; providing an effective
 date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1011.755, Florida Statutes, is created
 to read:

1011.755 Magnet program grants.--

(1) There is created a grant program to provide funds to a
 school district with a magnet program that has a large waiting
 list to enable the school district to establish the magnet
 program in other schools in the school district.

(2) The grant program shall be administered by the
 Commissioner of Education according to rules adopted by the
 State Board of Education. To apply for a magnet program grant, a
 district school board must submit to the commissioner a proposal
 for expanding a magnet program to other schools in the school
 district. A proposal must include projected enrollment, costs
 for the magnet program, and such other information as the
 commissioner may require. For a proposal approved by the
 commissioner, the commissioner shall authorize distribution to

HB 781

2006

29 | the school district of funds for the program which may be used
30 | for personnel, supplies, student services, or other expenses
31 | associated with the expansion of a magnet program.

32 | (3) The grant program shall be implemented to the extent
33 | funds are appropriated in the General Appropriations Act to the
34 | Department of Education for magnet program grants.

35 | Section 2. This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty-- The bill increases the educational options available to students.

Empower Families-- The bill supports expansion of certain educational programs, thus enhancing choices available to parents for their child's education.

B. EFFECT OF PROPOSED CHANGES:

Magnet schools are schools that offer specialized curriculums in a particular academic subject area. Magnet schools emerged in the 1970s as a mechanism for desegregating large urban school districts. Since that time, school districts have used magnet programs to:

- Facilitate equity of access to quality educational programs,
- Enhance parental school choice,
- Enable students to choose educational programs based on their interests,
- Experiment with innovative instructional methods, and
- Individualize student instruction.¹

Current Florida law includes magnet programs among the public school choice options available to parents and students.² According to the Florida Department of Education (DOE), 20 school districts reported 306,000 students enrolled in magnet schools during the 2004-2005 school year. Subject areas offered in these programs included health related professions, criminal justice, science, mathematics, technology, visual and performing arts, International Baccalaureate, and foreign languages.³ Due to their popularity, many magnet schools have waiting lists.

The bill creates a grant program to provide funds to enable school districts to expand existing magnet programs with large waiting lists to other schools in the district. The bill designates the Commissioner of Education as administrator of the grant program. The bill requires school districts to submit proposals for expansion of magnet programs to the Commissioner for approval and specifies permissible uses for grant funds.

C. SECTION DIRECTORY:

Section 1. Creates s. 1011.755, F.S.; creating a grant program for magnet schools.

Section 2. Providing an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

¹ U.S. Department of Education, Office of Innovation and Improvement, Innovations in Education: Creating Successful Magnet Programs, *available at* <http://www.ed.gov/admins/comm/choice/magnet/report.pdf> (2004).

² Section 1002.20(6), F.S.

³ Florida Department of Education, 2006 Legislative Bill Analysis for HB 781.

2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
This bill does not appear to have a fiscal impact on local government revenues.
2. Expenditures:
This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

The fiscal impact of the bill will be determined by funding provided in the General Appropriations Act.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.
2. Other:
None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules relating to magnet program grants.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 899

2006

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A bill to be entitled
 An act relating to regional consortium service organizations; amending s. 1001.451, F.S.; requiring the determination of services and use of funds to be established by the board of directors of a regional consortium service organization; authorizing establishment of purchasing and bidding programs in lieu of individual school district bid arrangements; authorizing establishment of an educational foundation governed by an educational foundation board of directors; providing for use of property, facilities, and personnel services by an educational foundation; requiring audits; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.--In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools established pursuant to s. 1002.32, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at

29 a minimum, three of the following services: exceptional student
 30 education; teacher education centers; environmental education;
 31 federal grant procurement and coordination; data processing;
 32 health insurance; risk management insurance; staff development;
 33 purchasing; or planning and accountability.

34 (2) (a) Each regional consortium service organization that
 35 consists of four or more school districts is eligible to
 36 receive, through the Department of Education, an incentive grant
 37 of \$50,000 per school district and eligible member to be used
 38 for the delivery of services within the participating school
 39 districts. The determination of services and use of such funds
 40 shall be established by the board of directors of the regional
 41 consortium service organization.

42 (b) Application for incentive grants shall be made to the
 43 Commissioner of Education by July 30 of each year for
 44 distribution to qualifying regional consortium service
 45 organizations by January 1 of the fiscal year.

46 (3) In order to economically provide programs and services
 47 to participating school districts and members, a regional
 48 consortium service organization may establish purchasing and
 49 bidding programs, including construction and construction
 50 management arrangements, in lieu of individual school district
 51 bid arrangements. Participation in regional consortium service
 52 organization bids shall be accomplished by action of an
 53 individual district school board through a letter of intent to
 54 participate and shall be reflected in official district school
 55 board minutes.

56 (4) A regional consortium service organization board of
 57 directors may elect to establish an educational foundation
 58 independent of the regional consortium service organization's
 59 school district of record to be governed by an educational
 60 foundation board of directors. The educational foundation must
 61 be a Florida not-for-profit corporation incorporated under the
 62 provisions of chapter 617 and approved by the Department of
 63 State. A regional consortium service organization board of
 64 directors may permit the use of property, facilities, and
 65 personnel services of the regional consortium service
 66 organization by an approved educational foundation. An approved
 67 educational foundation with more than \$100,000 in expenditures
 68 or expenses must provide for an annual financial audit of its
 69 accounts and records to be conducted by an independent certified
 70 public accountant. The annual audit report shall be submitted
 71 within 9 months after the end of the fiscal year to the
 72 educational foundation board of directors and the regional
 73 consortium service organization board of directors.

74 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 899 Regional Consortium Service Organizations
SPONSOR(S): Richardson and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1710

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Hunker	Mizereck
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

House bill 899 amends s. 1001.451, F.S., regarding regional consortium service organizations (RCSOs).

The bill requires that the boards of directors of RCSOs determine which services will be purchased with the funds received from the Department of Education (DOE).

The bill authorizes the boards of directors of RCSOs to replace individual school district bid arrangements with RCSO purchasing and bidding programs.

The bill authorizes boards of directors of RCSOs to establish educational foundations governed by educational foundation boards of directors. RCSOs may permit educational foundations to use the property, facilities and personnel services of an RCSO to raise funds for the district members. The bill requires financial audits for certain educational foundations.

The bill has an indeterminate fiscal impact. See FISCAL ANALYSIS.

The bill takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill permits regional consortium services organizations to provide bidding, purchasing and fundraising operations to multiple school districts, thus reducing duplicative effort which would occur if each district had to provide these services for themselves.

B. EFFECT OF PROPOSED CHANGES:

Currently, section 1001.451, F.S., authorizes the creation of regional consortium service organizations (RCSOs). RCSOs permit smaller school districts,¹ developmental research (laboratory) schools,² and the Florida School for the Deaf and the Blind to pool their resources to provide common programs and services such as teacher training, staff development, exceptional student education, federal grant procurement and coordination, data processing, health insurance, risk management insurance, purchasing, and planning and accountability.

There are currently three regional consortium service organizations in operation in Florida:

- (1) The North Florida Education Consortium (NEFEC): Comprising Baker, Bradford, Columbia, Dixie, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Nassau, Putnam, Suwannee, Union, P.K. Yonge DRS, and the Florida School For the Deaf and the Blind³
- (2) Panhandle Area Education Consortium (PAEC): Comprising Bay, Calhoun, Escambia, FSU Schools, Inc., Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Walton, Wakulla, and Washington.⁴
- (3) Heartland Educational Consortium (HEC): Comprising De Soto, Glades, Hardee, Hendry, Highlands, and Okeechobee.⁵

Currently, the DOE provides these organizations with incentive grants of \$50,000 per school district to be used for the delivery of services within those districts. The bill authorizes the boards of directors of the RCSOs to determine which services the funds will be used for.

The bill grants authority to the boards of directors of the RCSOs to replace individual school district bid arrangements with their own purchasing and bidding programs, including construction and construction management arrangements. A district school board would participate in RCSO bids by submitting a letter of intent to participate and by reflecting the intent to participate in official district school board minutes.

The bill also clarifies that an RCSO board of directors may elect to establish an educational foundation independent of the organization's school district of record. An educational foundation must be governed by an educational foundation board of directors, must be a Florida not-for-profit corporation under chapter 617, F.S., and must be approved by the Department of State. This bill authorizes RCSOs to permit approved educational foundations to use RCSO property, facilities, and personnel services to raise funds for school district members of the RCSO. The bill also provides that each approved educational foundation with more than \$100,000 in expenditures or expenses must provide for an annual financial audit of its accounts and records by an independent certified public accountant.

¹ Smaller school districts are those that have 20,000 or fewer unweighted full-time equivalent students

² See s. 1002.32, Fla. Stat.

³ The North East Florida Educational Consortium, <http://www.nefec.org> (last visited Mar. 16, 2006).

⁴ Panhandle Area Educational Consortium, <http://www.paec.org> (last visited Mar. 16, 2006).

⁵ Heartland Educational Consortium, <http://www.fllearningalliance.org> (last visited Mar. 16, 2006).

The audit report must be submitted to the boards of directors of both the educational foundation and the RCSO within 9 months after the end of the fiscal year.

The bill provides that the act will take effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Amends s. 1001.451, F.S.; requiring the board of directors of a regional consortium service organization to determine use of funds; authorizing establishment of purchasing and bidding programs; authorizing establishment of an educational foundation board of directors and providing for use of property, facilities, and personnel services; requiring audits.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill has an indeterminate impact on the private sector because it requires educational foundations with more than \$100,000 in expenditures or expenses to hire independent certified public accountants to prepare audit reports.

D. FISCAL COMMENTS:

The bill may reduce administrative costs of school districts operating their own bidding and purchasing processes and fundraising. However, regional consortium services organizations may incur increased administrative costs and costs of hiring independent certified public accountants to prepare audit reports in the case of educational foundations with more than \$100,000 in expenditures or expenses.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 945

2006

1 A bill to be entitled
 2 An act relating to instructional materials for public
 3 school education; amending s. 1006.28, F.S.; requiring
 4 district school boards to issue additional textbooks for
 5 use in the classroom in grades 6 through 8; providing an
 6 effective date.

7
 8 WHEREAS, because of the elimination of lockers in many
 9 middle schools, students must carry their issued textbooks
 10 throughout the school day, and

11 WHEREAS, carrying such books has the potential to lead to
 12 minor to severe back problems, NOW, THEREFORE,

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (b) of subsection (1) of section
 17 1006.28, Florida Statutes, is amended to read:

18 1006.28 Duties of district school board, district school
 19 superintendent; and school principal regarding K-12
 20 instructional materials.--

21 (1) DISTRICT SCHOOL BOARD.--The district school board has
 22 the duty to provide adequate instructional materials for all
 23 students in accordance with the requirements of this part. The
 24 term "adequate instructional materials" means a sufficient
 25 number of textbooks or sets of materials serving as the basis
 26 for instruction for each student in the core courses of
 27 mathematics, language arts, social studies, science, reading,
 28 and literature, except for instruction for which the school

29 advisory council approves the use of a program that does not
 30 include a textbook as a major tool of instruction. The district
 31 school board has the following specific duties:

32 (b) Textbooks.--

33 1. Provide for proper requisitioning, distribution,
 34 accounting, storage, care, and use of all instructional
 35 materials furnished by the state and furnish such other
 36 instructional materials as may be needed. The district school
 37 board shall assure that instructional materials used in the
 38 district are consistent with the district goals and objectives
 39 and the curriculum frameworks adopted by rule of the State Board
 40 of Education, as well as with the state and district performance
 41 standards provided for in s. 1001.03(1).

42 2. Issue additional textbooks to remain in each classroom
 43 for use in the classroom by each student in grades 6 through 8
 44 who participates in the class. The issuance of textbooks
 45 pursuant to this subparagraph shall not affect the issuance of
 46 textbooks to each student.

47 Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0945

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Committee
 2 Representative(s) Cretul offered the following:

Amendment (with title amendment)

Remove line(s) 42-46 and insert:

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 5
 6 2. During the first 2 years of the adoption cycle,
 7 beginning with the 2006-2007 school year, purchase sufficient
 8 textbooks to provide a classroom set of textbooks for use in
 9 each core curriculum classroom in grades 6 through 8. The
 10 purchase of textbooks pursuant to this subparagraph shall not
 11 affect the issuance of textbooks to each student.

===== T I T L E A M E N D M E N T =====

Remove line(s) 4 and 5 and insert:

12
 13
 14 district school boards to purchase and provide a classroom set
 15 of textbooks for use in certain grade 6 through grade 8
 16 classrooms; providing an
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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 945

Instructional Materials for Public School Education

SPONSOR(S): Cretul

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	_____	Davis	Mizereck
2) Education Appropriations Committee	_____	_____	_____
3) Education Council	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House bill 945 amends the duties of district school boards to include issuing additional textbooks to remain in each sixth through eighth grade classrooms for classroom use by students. The bill provides that the issuance of these textbooks will not affect the issuance of textbooks to each student.

There is a significant fiscal impact associated with this bill. See FISCAL COMMENTS for further information.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Empower families—Students will have textbooks at home for the completion of homework.

B. EFFECT OF PROPOSED CHANGES:

Background

Instructional materials are defined as “items having intellectual content that by design serve as a major tool for assisting the instruction of a subject or course.” Instructional materials are funded as a categorical item in the General Appropriations Act (GAA); in the 2005-2006 school year, the GAA provided \$249.9 million for instructional materials. School districts are directed to use at least 50% of funds for the purchase of instructional materials on the state-adopted list. The remaining funds may be used for instructional materials not on the state-adopted list and for repair and renovation of textbooks. Each year, the state adopts instructional materials for specific classes for a 6 year adoption cycle. Within the first two years of the adoption cycle, each school district is required to purchase current instructional materials for each student in core courses.¹

Under current law², district school boards are required to provide adequate instructional materials for each student. “Adequate instructional materials” refers to a sufficient number of textbooks or sets of materials serving as the basis for instruction for each student in the core courses. District school boards are responsible for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and other instructional materials as may be needed. District school boards are also responsible for assuring that instructional materials used in the district are consistent with district goals and objectives, the curriculum adopted by rule of the State Board of Education, and state and district performance standards.

Effect of Proposed Changes

The bill requires district school boards to provide additional textbooks to remain in each sixth through eighth grade classroom for classroom use by each student. The bill provides that the issuance of these textbooks will not affect the issuance of textbooks to each student.

The bill provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Amends s. 1006.28, F.S., requiring district school boards to purchase sufficient textbooks for each classroom for grades 6 through 8.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹ See 2006 Fact Sheet on Instructional Materials

² s. 1006.28, F.S.

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The cost of providing an extra set of textbooks for classroom use in grades 6 through 8 is approximately \$54 million. This cost is based on the assumption that one set of books could be used by four classes and would be funded through the instructional materials categorical.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
 2 An act relating to suicide prevention; providing
 3 legislative intent; providing for a pilot program to be
 4 conducted by the Signs of Suicide Prevention Program for
 5 secondary schools in specified counties; requiring the
 6 submission of proposals to the Department of Education;
 7 providing for student participation in the pilot program
 8 and for the provision of certain information to parents;
 9 requiring a report to the Legislature; providing an
 10 appropriation; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Signs of Suicide Prevention Program for
 15 secondary schools; pilot program; legislative intent.--

16 (1) It is the intent of the Legislature to provide support
 17 and funding for a pilot program conducted by the Signs of
 18 Suicide Prevention Program for secondary schools, hereinafter
 19 referred to as "SOS." SOS is a nationally recognized, evidence-
 20 based suicide prevention and depression screening program for
 21 secondary schools. SOS teaches students how to identify symptoms
 22 of depression and suicidal tendencies in themselves and friends
 23 while educating students about the relationship between
 24 depression and suicide and encouraging them to seek help. The
 25 pilot program shall encourage collaboration with local mental
 26 health facilities and individual professionals in order to
 27 facilitate increased access to treatment.

28 (2) During the 2006-2007 fiscal year, an SOS pilot program
29 shall be conducted in Brevard, Orange, Osceola, and Seminole
30 counties. In order to receive funding under this act, an SOS
31 entity for a county authorized to participate in the pilot
32 program must submit to the Department of Education by September
33 1, 2006, a proposal for suicide prevention and depression
34 screening for secondary school students who attend school in
35 that county. The pilot program shall provide local school
36 personnel in each participating county with the materials
37 necessary for implementation. The entire student body or a
38 select portion of the student body of a participating school
39 shall be screened, depending on the school's resources. A
40 student is not required to present identification in order to be
41 screened. Prior to the screening, the parent of each student in
42 a participating school shall be provided with a copy of the
43 screening form and additional information to assist the parent
44 in the identification of depression and suicidal tendencies and
45 to help initiate family discussions. A parent may refuse to
46 allow his or her child to participate in the pilot program.

47 (3) By January 1, 2007, the SOS pilot program shall
48 provide to the President of the Senate and the Speaker of the
49 House of Representatives a report that includes an itemized list
50 of program costs, an evaluation of participating schools, an
51 assessment of the quality of the program components, an
52 assessment of the safety of program implementation, an
53 assessment of the burden on school support staff after
54 implementation of the program, an assessment of the efficacy of
55 the program, and recommendations for further legislation, which

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56 may include an assessment of the feasibility of extending the
 57 program to secondary schools throughout the state. The
 58 information shall be reported for the pilot program in the
 59 aggregate, for each participating county, and for each
 60 participating school in each participating county.

61 Section 2. The sum of \$600,000 is appropriated from the
 62 General Revenue Fund to the Department of Education for the
 63 2006-2007 fiscal year to be distributed to the Michael Buonauro
 64 Foundation to implement the Signs of Suicide Prevention Program
 65 as a pilot program for secondary schools in Brevard, Orange,
 66 Osceola, and Seminole counties in accordance with this act.

67 Section 3. This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill establishes a pilot program for secondary schools in selected counties on suicide prevention and depression. The bill requires parents in participating schools to opt out of the program. The bill requires student screening.

Empower Families-- The bill requires parents of each student in a participating school to be provided with information that may assist the parent in the identification of depression and suicidal tendencies and to help initiate family discussions.

B. EFFECT OF PROPOSED CHANGES:

Background

According to the National Center for Health Statistics, the suicide rate for youths and young adults aged 15-24 years has tripled since 1950, and suicide is now the third leading cause of death in this age group. Recent studies indicate that the incidence of suicide attempts among adolescents may exceed 10% annually, although it is difficult to obtain reliable estimates because of the accompanying stigma with attempting suicide.¹

A relatively new approach to reducing the incidence of suicide among adolescents is found in Signs of Suicide (SOS), a school-based prevention program.² According to Screening for Mental Health, Inc., (SMH), the SOS Signs of Suicide Program is a nationally recognized, easily implemented, cost-effective program of suicide prevention for secondary school students. It is the only school-based program to:

- Show a reduction in suicide attempts (by 40%) in a randomized controlled study (American Journal of Public Health, March, 2004).
- Be selected by the Substance Abuse and Mental Health Services Administration (SAMHSA) for its National Registry of Evidence-based Programs and Practices (NREPP).

The SOS Program has also documented a dramatic increase in help-seeking. (Adolescent and Family Health, 2003).³

Secondary schools participating in the SOS program can choose from the following materials:

Video and Discussion Guide

The educational video helps students recognize the signs and symptoms of depression and potential suicidality in themselves or their friends and encourages help-seeking. Using real-life stories and dramatic vignettes, the video illustrates the right and wrong way for them to help friends displaying those signs. The Discussion Guide that accompanies the video helps teachers to focus classroom discussion, making sure that students understand the program's message of action and empowerment.

Screening Forms

The Brief Screen for Adolescent Depression (BSAD) is a 7-question screening tool that reinforces the information students receive regarding depression through the video and educational materials.

¹ Robert H. Aseltine Jr, PhD, and Robert DeMartino, MD, *An Outcome Evaluation of the SOS Suicide Prevention Program*, American Journal of Public Health, March 2004, Vol. 94, No. 3, at 446.

² *Id.*

³ www.mentalhealthscreening.org/highschool/

Screenings can be administered anonymously. Forms are available in English and Spanish.⁴ The screening form is scored by the students themselves; a score of 16 or higher on the CDS is considered a strong indicator of clinical depression, and the scoring and interpretation sheet that accompanies the screening form encourages students with such scores to seek help immediately.⁵

Following the video and/or screening, schools are encouraged to provide an opportunity for students to talk further with a school professional.⁶

The SOS program's primary objectives are to educate teens that depression is a treatable illness and to equip them to respond to a potential suicide in a friend or family member using the SOS technique. SOS is an action-oriented approach instructing students how to **ACT (Acknowledge, Care and Tell)** in the face of this mental health emergency.⁷

According to SAMHSA, the average amount of time to implement the program across 376 schools was approximately 2.5 days, although almost 40% of schools reported that they completed the program in one day. Results of a multi-site evaluation revealed:

- The average number of youth seeking counseling for depression/suicidality in the 30 days following the program (9.59) was significantly higher when compared with the average number of youth seeking help per month over the past year (3.93). This was an increase of almost 150%.
- There was a 70% increase in the average number of youth seeking counseling for depression/suicidality on behalf of a friend in the 30 days following the program (3.79) when compared with the average number of youth seeking help for a friend per month over the past year (2.25).
- The average number of youth seeking counseling for depression/suicidality remained high in the 3 months following the program (9.74) per month, and was significantly higher than the previous school year (3.93). There was also a 25% increase in the number of youths seeking help for a friend 3 months after implementation (2.78) when compared to the past year (2.25).⁸

The Michael Buonauro Foundation

Judy and Frank Buonauro, whose son Michael died by suicide May 28, 2004, created the Michael Buonauro Foundation. The Foundation secured the SOS program for all public high school students in Orange County, Florida, for the 2005-2006 school year. Private schools were also invited to participate in the program.⁹

Effects of Proposed Changes

The bill establishes a pilot program on suicide prevention and depression for secondary schools in Brevard, Orange, Osceola, and Seminole counties during the 2006-2007 fiscal year.

The bill provides legislative intent that includes the support and funding of a pilot program that is conducted by the Signs of Suicide Prevention Program, known as "SOS." It is also the intent of the Legislature for the pilot program to encourage collaboration with local mental health facilities and individual professionals in order to facilitate access to treatment.

⁴ www.mentalhealthscreening.org/highschool/sos_materials.aspx

⁵ Robert H. Aseltine Jr, PhD, and Robert DeMartino, MD, *An Outcome Evaluation of the SOS Suicide Prevention Program*, American Journal of Public Health, March 2004, Vol. 94, No. 3, at 446.

⁶ www.mentalhealthscreening.org/highschool/sos_materials.aspx

⁷ www.mentalhealthscreening.org/highschool/

⁸ <http://modelprograms.samhsa.gov/>

⁹ <http://www.southwestorlandobulletin.com>

In order for one of the counties authorized to participate in this pilot program to receive funding, the bill requires an SOS entity to submit to the DOE a proposal for suicide prevention and depression screening for secondary school students who attend school in that county. The proposal must be submitted by September 1, 2006.

The bill requires the pilot program to provide local school personnel in each participating county with the materials necessary for implementation. Dependent on the school's resources, either the entire student body or a select portion of the student body of a participating school must be screened. Students participating in the screening are not required to present identification in order to be screened. Prior to the screening, the parent of each student in a participating school must be provided with a copy of the screening form and additional information that will assist the parent in the identification of depression and suicidal tendencies along with helping initiate family discussions. The bill provides that a parent may refuse to allow his or her child to participate in the program.

The bill requires the SOS pilot program to provide a report to the President of the Senate and Speaker of the House of Representatives by January 1, 2007. The report must include the following:

- An itemized list of program costs.
- An evaluation of participating schools.
- An assessment of the quality of the program components.
- An assessment of the safety of program implementation.
- An assessment of the burden on school support staff after implementation.
- An assessment of the efficacy of the program.

The report must also include recommendations for further legislation, which may include an assessment of the feasibility of extending the program to secondary schools throughout the state. The information must be reported for the pilot program in the aggregate, for each participating county, and for each participating school in each participating county.

The bill appropriates \$600,000 from the General Revenue Fund to the DOE for the 2006-2007 fiscal year. The funds are then distributed to the Michael Buonauro Foundation to implement the SOS as a pilot program for secondary schools in the selected counties.

The bill provides an effective date of July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Providing for a pilot program to be conducted by the Signs of Suicide Prevention Program for secondary schools in specified counties; providing legislative intent; requiring the submission of proposals to the Department of Education; providing for student participation in the pilot program and for the provision of certain information to parents; and requiring a report to the Legislature.

Section 2: Provides a \$600,000 appropriation from the General Revenue Fund.

Section 3: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill appropriates \$600,000 from the General Revenue Fund to the DOE for the 2006-2007 fiscal year. The DOE is required to distribute the funds to the Michael Buonauro Foundation to implement the Signs of Suicide Prevention Program as a pilot program for secondary schools in Brevard, Orange, Osceola, and Seminole counties.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

A bill to be entitled

An act relating to district school boards; creating s. 1001.364, F.S.; providing for an alternate procedure for the election of a district school board chair in any school district that does not have a district school board member elected at large; requiring a referendum and providing requirements for submitting such referendum to the electors; creating s. 1001.365, F.S.; providing for resolution of a tie vote by the district school board chair and district school board members; amending s. 1001.371, F.S., relating to organization of district school boards, to conform; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1001.364, Florida Statutes, is created to read:

1001.364 Alternate procedure for election of district school board chair.--

(1) The district school board chair shall be elected in accordance with the provisions of s. 1001.371 unless a proposition calling for the district school board chair to be elected as an additional school board member by districtwide vote is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (2).

(2) A proposition calling for the district school board chair to be elected by districtwide vote shall be submitted to

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29 | the electors of the school district at any primary, general, or
 30 | otherwise-called special election in either of the following
 31 | manners:

32 | (a) The district school board may adopt a formal
 33 | resolution directing that the proposition be placed on the
 34 | ballot; or

35 | (b) The electors of the school district may petition to
 36 | have the proposition placed on the ballot by presenting to the
 37 | district school board petitions signed by not less than 10
 38 | percent of the duly qualified electors residing within the
 39 | school district. The number of signatures required shall be
 40 | determined by the supervisor of elections according to the
 41 | number of registered electors in the school district as of the
 42 | date the petitioning electors register as a political committee
 43 | as provided in subsection (3).

44 | (3) The electors petitioning to have the proposition
 45 | placed on the ballot shall register as a political committee
 46 | pursuant to s. 106.03, and a specific person shall be
 47 | designated therein as chair of the committee to act for the
 48 | committee.

49 | (4) Each petition form circulated shall include the
 50 | following wording:

51 |
 52 | As a registered elector of the school district of
 53 | County, Florida, I am petitioning for a referendum
 54 | election to determine whether the district school board
 55 | chair shall be elected by districtwide vote.
 56 |

57 The petition shall also include space for the signature and
 58 address of the elector. Each signature obtained shall be dated
 59 when made and is valid for a period of 4 years after that date.

60 (5) Upon the filing of the petitions with the district
 61 school board by the chair of the committee, the district school
 62 board shall submit the petitions to the supervisor of elections
 63 for verification of the signatures. Within a period of not more
 64 than 30 days, the supervisor of elections shall determine
 65 whether the petitions contain the required number of valid
 66 signatures. The supervisor of elections shall be paid by the
 67 committee seeking verification the sum of 10 cents for each
 68 signature checked.

69 (6) If it is determined that the petitions have the
 70 required signatures, the supervisor of elections shall certify
 71 the petitions to the district school board, which shall adopt a
 72 formal resolution requesting that an election date be set to
 73 conform to the earliest primary, general, or otherwise-called
 74 special election that occurs not less than 30 days after
 75 certification of the petitions. If it is determined that the
 76 petitions do not contain the required signatures, the
 77 supervisor of elections shall so notify the district school
 78 board, which shall file the petitions without taking further
 79 action, and the matter shall be at an end. No additional
 80 signatures may be added to the petitions, and the petitions may
 81 not be used in any other proceeding.

82 (7) No special election may be called for the sole
 83 purpose of presenting the proposition to the vote of the
 84 electors.

85 (8) Any school district adopting the proposition set
 86 forth in this section may thereafter return to the procedure
 87 otherwise provided by law by following the same procedure
 88 outlined in subsection (2).

89 (9) If a proposition submitted to the electors under
 90 subsection (2) calling for the district school board chair to
 91 be elected by districtwide vote is approved by vote of the
 92 qualified electors, the office of district school board chair
 93 shall be filled at the next general election.

94 (10) The vice chair of the district school board shall be
 95 elected by the members of the district school board as provided
 96 in s. 1001.371.

97 (11) This section does not apply to school districts with
 98 district school board members elected at large.

99 Section 2. Section 1001.365, Florida Statutes, is created
 100 to read:

101 1001.365 Votes by district school board chair and
 102 district school board members.--Unless otherwise provided by
 103 law, in the event of a tie vote of the district school board
 104 chair and district school board members acting in any capacity,
 105 the side on which the district school board chair voted shall
 106 be deemed to prevail. For purposes of any vote of the district
 107 school board chair and district school board members acting in
 108 any capacity, action taken pursuant to that side of a tie vote
 109 on which the district school board chair voted satisfies the
 110 requirement that action be taken by a "majority" vote or a
 111 "simple majority" vote.

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112 Section 3. Section 1001.371, Florida Statutes, is amended
 113 to read:

114 1001.371 Organization of district school board.--On the
 115 third Tuesday after the first Monday in November of each year,
 116 the district school board shall organize by electing a chair. It
 117 may elect a vice chair, and the district school superintendent
 118 shall act ex officio as the secretary. If a vacancy should occur
 119 in the position of chair, the district school board shall
 120 proceed to elect a chair at the next ensuing regular or special
 121 meeting. At the organization meeting, the district school
 122 superintendent shall act as chair until the organization is
 123 completed. The chair and secretary shall then make and sign a
 124 copy of the proceedings of organization, including the schedule
 125 for regular meetings and the names and addresses of all district
 126 school officers, and annex their affidavits that the same is a
 127 true and correct copy of the original, and the secretary shall
 128 file the document within 2 weeks with the Department of
 129 Education. This section does not apply to any school district
 130 with a district school board chair who is elected by
 131 districtwide vote.

132 Section 4. This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill provides a procedure enabling school district voters to elect a single school board chair in a districtwide election.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Florida law grants local district school boards authority to control K-12 education operations in the district.¹ Section 4 of Article IX of the Florida Constitution provides that each school district must have a school board comprised of 5 members or more. School board members are elected to serve four year staggered terms, in nonpartisan elections.² Florida law provides 3 options for electing school board members:

- Five member boards elected from five member residence areas;
- Seven member boards elected from five member residence areas, with two members elected at-large; and
- Seven member boards elected from seven member residence areas.³

All school district voters may vote for one candidate from each member residence area.⁴

Florida law provides an alternate procedure that, upon approval by school district voters, allows for single member representation within each district.⁵ Under this procedure, voters may only vote for one candidate from the school board member residence area in which they reside, and at-large candidates if applicable.

Currently, the district school board chair and vice chair are selected by the district school board each year at the school board's annual organizational meeting.⁶

Effect of Proposed Changes:

House bill 1221 establishes a procedure for the districtwide election of a school board chair as an additional member of the school board. The issue may be placed on the ballot for voter approval by district school board resolution or by voter petition.

The bill provides several requirements for the petition process. Once required signatures are obtained and verified, the district school board must adopt a formal resolution that the issue be decided in the earliest primary or general election or by special election. However, a special election may not be called solely for the purpose of deciding a proposition for districtwide election of a school board chair. Districts that adopt a proposition for district wide election of a school board chair must elect a school board chair at the next general election.

The provisions of the bill only apply to school districts with single member representation. District school boards in districts that vote for a school board chair by districtwide election are excluded from the provisions for selecting a school board chair contained in 1001.371, F.S.

¹ Section 4, Article IX, Florida Constitution and s. 1003.02, F.S.

² Section 4, Article IX, Florida Constitution.

³ Section 1001.36, F.S.

⁴ Section 1001.362, F.S.

⁵ Section 1001.362, F.S.

⁶ Section 1001.371, F.S.

Finally, the bill provides that in situations where a vote by members of a district school board results in a tie, the side in which the school board chair voted shall be deemed to prevail. The bill further provides that actions taken pursuant to tie votes decided in this fashion satisfy any requirements for a "majority" vote or "simple majority" vote.

C. SECTION DIRECTORY:

Section 1. Creates s. 1001.364, F.S.; establishing an alternate procedure for electing a district school board chair.

Section 2. Creates s. 1001.365, F.S.; providing procedures for deciding tie votes.

Section 3. Amends s. 1001.371, F.S.; exempting district school boards with districtwide elected chairs from the provisions of this section.

Section 4. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled
 An act relating to early learning; establishing the Early Learning Quality Incentives Task Force to be administratively housed in the Agency for Workforce Innovation; providing duties and membership; requiring recommendations to the Governor and Legislature; providing for termination of the task force; requiring the Department of Children and Family Services, in cooperation with the Agency for Workforce Innovation, to contract for a study relating to the administration and regulation of child care services; requiring submission of findings to the task force for purposes of its final recommendations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Early Learning Quality Incentives Task Force.--

(1) There is established the Early Learning Quality Incentives Task Force to be administratively housed in the Agency for Workforce Innovation. The Agency for Workforce Innovation is authorized to contract with one or more nationally known experts on quality incentives and rating systems to serve as facilitators and resources in directing the task force. The task force shall perform all of the following duties:

(a) Identify and examine existing early learning quality incentives and rating systems in the state.

27 (b) Identify and examine early learning quality incentives
 28 and rating systems in other states, including, but not limited
 29 to, systems in North Carolina and Oklahoma.

30 (c) Develop a recommended early learning quality
 31 incentives and rating system that includes uniform standards and
 32 levels of financial quality incentives for participating
 33 providers.

34 (d) Recommend appropriate levels of financial commitment
 35 of state resources to ensure quality early learning programs.

36 (e) Recommend initial investment of quality incentive
 37 dollars for pilot programs in five counties.

38 (2)(a) The task force shall consist of representatives
 39 appointed by the Governor from each of the following categories:

40 1. One member each from a large, medium, and small
 41 children's services council with an appropriate mix from urban
 42 and rural counties.

43 2. One chair each from a large, medium, and small early
 44 learning coalition with an appropriate mix from urban and rural
 45 counties.

46 3. One member from an early learning services provider.

47 4. One member from a private child care provider
 48 association.

49 5. One member from a faith-based child care provider
 50 association.

51 6. One member each from a community college and a state
 52 university with a child care training component.

53 7. One parent who currently has a child in an early
 54 learning program.

55 (b) The task force shall also consist of the following
 56 members:

57 1. A member of the Senate appointed by the President of
 58 the Senate.

59 2. A member of the House of Representatives appointed by
 60 the Speaker of the House of Representatives.

61 3. A member appointed by the Secretary of Children and
 62 Family Services who has expertise in child care licensing and
 63 regulation.

64 4. A member appointed by the Commissioner of Education who
 65 has expertise in the education of young children.

66 (3) The members of the task force shall serve without
 67 compensation but shall be entitled to receive reimbursement for
 68 per diem and travel expenses as provided in s. 112.061, Florida
 69 Statutes.

70 (4) The task force shall submit its recommendations to the
 71 Governor, the President of the Senate, and the Speaker of the
 72 House of Representatives by February 15, 2007, at which time the
 73 task force shall be terminated.

74 Section 2. The Department of Children and Family Services,
 75 in cooperation with the Agency for Workforce Innovation, shall
 76 contract with an independent research institution to conduct a
 77 study of the administrative and operational structure of the
 78 Child Care Services Program Office of the Department of Children
 79 and Family Services that will include a review of all resources
 80 supporting the office as well as a review of child care services
 81 offices in other states. The findings of the study shall include
 82 a recommendation regarding the appropriate administrative and

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83 operational structures and the appropriate state agency to
84 administer child care regulation functions. The findings of the
85 study shall be submitted to the Early Learning Quality
86 Incentives Task Force by January 1, 2007, for incorporation into
87 the final recommendations of the task force.

88 Section 3. This act shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation:

Current Florida law requires the AWI to administer the state's early learning programs.¹ AWI is responsible for maintaining and improving the quality of publicly funded early learning programs.² Federal regulations governing the Child Care and Development Fund (CCDF) require that at least 4 percent of federal funding from the CCDF be devoted to quality initiatives.³ Florida currently spends \$24.2 million, constituting 5.4 percent of its CCDF funds, on quality initiatives.⁴

According to the AWI, there is no state system in place that rates or provides incentives to providers based on higher quality services or performance. However, early learning service providers that meet certain national standards may earn a Gold Seal Quality Care designation pursuant to s. 402.281, F.S.

Effect of Proposed Changes:

House Bill 1233 establishes the Early Learning Quality and Incentives Task Force to study existing early learning quality initiatives in Florida and other states. The bill requires the task force to make recommendations pertaining to the development and funding of a statewide rating and incentive system for providers of early learning services, and appropriate levels of state funding to ensure quality learning programs. Task force recommendations are to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives.

The bill requires the AWI to administer the task force and authorizes it to contract with outside experts. The bill provides for the composition and appointment of Task Force members.

In addition, the bill requires the DCF and AWI to contract with an independent research institution to conduct an independent study of the administrative and operational structure of the Child Care Services Program Office of the DCF. The bill requires that this study be submitted to the task force so it may be incorporated into its final recommendations.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law; establishes a task force and provides duties.

Section 2. Creates an unnumbered section of law requiring an independent study.

Section 3. Provides that the bill is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹ Section 411.01(4), F.S.

² Section 411.01(4)(b)3., F.S.

³ 45 C.F.R. § 98.51.

⁴ Agency for Workforce Innovation, Legislative Bill Analysis for SB 2376.

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill has a fiscal impact on state government expenditures. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

The AWI will incur costs associated with administering the task force. The AWI and the DCF will incur costs in contracting for the independent study. While the cost has not been determined, estimates from the agencies and bill sponsor range from \$250,000 to \$500,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled
 An act relating to supplemental educational services;
 providing for student access to and provider
 accountability for supplemental educational services in
 Title I schools; providing definitions; providing
 responsibilities of the Department of Education, local
 educational agencies, providers of supplemental
 educational services, and parents to provide additional
 academic instruction designed to increase the academic
 achievement of eligible students; providing criteria that
 must be met by a provider approved by the department;
 providing for department monitoring and evaluation of
 provider performance; providing a complaint process for
 determination of provider and local educational agency
 compliance with law; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Supplemental educational services in Title I
 schools; student access and provider accountability.--

(1) DEFINITIONS.--As used in this section:

(a) "Adequate yearly progress" or "AYP" means performance
 based on a series of performance goals that each school, each
 local educational agency, and the state must achieve within
 specified timeframes in order to meet the 100-percent
 proficiency goal established by the federal No Child Left Behind
 Act of 2001.

28 (b) "Eligible student" means a student from a low-income
 29 family who attends a Title I school in the school's second year
 30 of school improvement, corrective action, or restructuring, as
 31 defined by the No Child Left Behind Act of 2001.

32 (c) "Instructor" or "tutor" means a person employed by a
 33 supplemental educational service provider to deliver instruction
 34 in reading, language arts, or mathematics to eligible students
 35 enrolled in the provider's program.

36 (d) "Local educational agency" or "LEA" means a local
 37 board of education.

38 (e) "No Child Left Behind Act of 2001" or "NCLB" is a
 39 reauthorization of the Elementary and Secondary Education Act of
 40 1965, which is the principal federal law affecting education
 41 from kindergarten through high school. The NCLB is designed to
 42 improve student achievement and close achievement gaps. States
 43 are required to develop challenging academic standards, educate
 44 all students to 100-percent proficiency by 2014, and create and
 45 implement a single, statewide accountability system.

46 (f) "Parent" means the person or persons legally
 47 responsible for the guardianship of the student, including a
 48 legal guardian.

49 (g) "Supplemental educational service providers" or "SES
 50 providers" are faith-based organizations, for-profit and
 51 nonprofit businesses, local educational agencies, schools,
 52 institutes of higher education, community groups, and regional
 53 educational service agencies approved by the Department of
 54 Education to provide additional academic instruction designed to
 55 increase the academic achievement of eligible Title I students.

56 (h) "Supplemental educational services" or "SES" means
 57 additional academic instruction provided outside the regular
 58 school day that is designed to increase the academic achievement
 59 of low-income students, as defined by eligibility for free or
 60 reduced-price meals, who attend qualifying schools as defined by
 61 the No Child Left Behind Act of 2001.

62 (i) "Title I" is the Elementary and Secondary Education
 63 Act of 1965 program that focuses on improving the academic
 64 achievement of disadvantaged students by ensuring that all
 65 students have a fair, equal, and significant opportunity to
 66 obtain a high-quality education and reach, at a minimum,
 67 proficiency on challenging state academic standards and
 68 assessments.

69 (2) REQUIREMENTS.--

70 (a) State responsibilities.--The Department of Education
 71 shall:

72 1. Consult with parents, teachers, school districts, and
 73 interested members of the public to identify a large number of
 74 SES providers so that parents have a wide variety of high-
 75 quality choices.

76 2. Provide and disseminate broadly an annual notice to
 77 potential providers outlining the process for obtaining approval
 78 to be an SES provider. There shall be at least two opportunities
 79 each year for potential providers to submit their applications
 80 to the department.

81 3. Develop and apply objective criteria for approving
 82 potential providers. Each provider's SES program shall:

83 | a. Include an appropriate, diagnostic assessment for use
 84 | in identifying a student's weaknesses and achievement gaps upon
 85 | which to build an individual student learning plan and learning
 86 | goals.

87 | b. Use targeted remediation or instruction that is aimed
 88 | at addressing a student's skill gaps revealed during the
 89 | assessment and that is based upon an individual student learning
 90 | plan.

91 | c. Include a post assessment linked to the diagnostic
 92 | assessment to determine whether student learning gains occurred
 93 | and to further develop a plan for either reteaching skills or
 94 | identifying new skills for instruction.

95 | d. Align with the Sunshine State Standards in the area of
 96 | reading or mathematics, or both.

97 | e. Supplement the academic program a student experiences
 98 | in the regular school day.

99 | f. Use high-quality, research-based instructional
 100 | practices that are specifically designed to increase students'
 101 | academic achievement.

102 | 4. Maintain an updated list of approved providers.

103 | 5. Exercise authority to investigate and remove providers
 104 | from the approved list based on evaluation results.

105 | 6. Make available to school districts a list of available
 106 | approved providers in their general geographic locations.

107 | 7. Develop, implement, and publicly report on monitoring
 108 | standards for providers to ensure the quality and effectiveness
 109 | of services offered by approved providers.

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110 8. Ensure that an LEA has fully met parental demands for
 111 SES. In determining whether an LEA has fully met parental
 112 demands for SES, the department shall consider whether an LEA
 113 has:

114 a. Appropriately notified all eligible parents of the
 115 availability of SES.

116 b. Adequately publicized options to parents through
 117 multiple forums in understandable formats and languages.

118 c. Offered parents a reasonable period of time to
 119 investigate their options and submit their requests for SES.

120 9. No later than May 1 each year, notify LEAs of the
 121 specific schools that are in the second year of school
 122 improvement, corrective action, or restructuring and have not
 123 achieved AYP since such identification.

124 10. Place on its Internet website a standard, downloadable
 125 enrollment application to be used by parents of eligible
 126 students, which must be used by all LEAs for SES enrollment
 127 purposes.

128 (b) LEA responsibilities.--An LEA shall:

129 1. No later than 90 days prior to the start of the school
 130 year, notify parents of eligible students about the availability
 131 of SES. Notification shall meet the following criteria:

132 a. Be sent at least twice annually.

133 b. Be provided in an understandable and uniform format
 134 and, to the extent practicable, in a language the parents can
 135 understand.

136 c. Describe how parents may obtain services.

- 137 d. Provide a minimum of 20 school days for parents to
 138 select and notify the LEA regarding a selected provider.
- 139 e. Create a streamlined, one-step SES parent registration
 140 and provider selection process that is user friendly.
- 141 2. Help parents choose a provider, if such assistance is
 142 requested, making sure that such assistance is unbiased and does
 143 not provide advantage for one provider over another, including
 144 the LEA if such LEA is an approved provider, and obtain
 145 permission from parents to release assessment data to a selected
 146 provider.
- 147 3. Determine and prioritize students who shall receive
 148 services if not all students can be served. Determination shall
 149 be made in accordance with eligibility criteria established in
 150 federal law and with guidance from the United States Department
 151 of Education, ensuring that prioritization does not take place
 152 in advance of actual demand being documented and shall be based
 153 on the 20-percent set-aside minus any actual costs associated
 154 with providing transportation for public school choice pursuant
 155 to subparagraph 18.
- 156 4. Determine the per-student spending limit according to
 157 federal law only, which amount shall not be reduced or otherwise
 158 altered.
- 159 5. Ensure that the opportunity to acquire SES is offered
 160 to eligible students on a continuous basis or, at a minimum,
 161 twice every school year, such as once at or near the start of
 162 the school year and once at or near the start of each new
 163 calendar year. An LEA that does not offer at least two

164 | opportunities for SES enrollment shall not amend unobligated SES
 165 | into the general Title I budget.

166 | 6. Enter into an agreement with a provider selected by the
 167 | parent of an eligible student no later than 45 days after the
 168 | beginning of the school year or within 45 days after receiving
 169 | notification of school improvement status. The same procedure
 170 | shall be followed for subsequent enrollments during the school
 171 | year. An LEA that does not begin to offer SES within such time
 172 | periods shall not amend unobligated SES funds into the general
 173 | Title I budget. The agreement shall include, at a minimum:

174 | a. A statement of specific achievement goals for each
 175 | eligible student whose parent elects to receive SES from the
 176 | approved provider.

177 | b. A description of how student progress will be measured.

178 | c. Progress reports for each student to whom a provider
 179 | gives services under the agreement.

180 | d. Procedures for obtaining parental consent to release
 181 | assessment data to a selected provider.

182 | e. Procedures for termination of the agreement with the
 183 | provider based on specific and material cause and include an
 184 | opportunity for the provider to cure any such breach.
 185 | Termination for convenience clauses shall not be allowed.

186 | f. The payment process for students receiving SES, with
 187 | reimbursement for services to occur within 60 days following
 188 | submission of a complete invoice.

189 | g. Records of attendance for each student receiving SES.

190 | h. Security of information relating to students receiving
 191 | SES.

192 i. The procedure for facility access for providers, using
 193 a fair, transparent, and objective process, to operate on site
 194 in a school or schools identified for school improvement,
 195 corrective action, or restructuring, free of charge or for a
 196 reasonable fee, on the same basis and terms as are available to
 197 other groups that seek access to the school building.

198 j. The process for records maintenance of a provider's SES
 199 to students.

200 k. Guidelines specifying secular, neutral, and
 201 nonideological instruction and content.

202 1. An outline of applicable federal, state, and local
 203 laws, and rules and regulations required by law, in connection
 204 with providing tutorial service.

205 7. Establish monitoring procedures to ensure that
 206 providers fulfill their contractual obligations. Monitoring
 207 should include tracking student progress toward meeting the
 208 state's academic standards.

209 8. Select an approved provider or providers, using a fair,
 210 transparent, and objective process, to operate on site in a
 211 school or schools identified for school improvement, corrective
 212 action, or restructuring, free of charge or for a reasonable
 213 fee, on the same basis and terms as are available to other
 214 groups that seek access to the school building. The LEA shall
 215 not select a provider or providers based on a reduced per-
 216 student amount as calculated under federal law or other criteria
 217 that would otherwise be a department responsibility or
 218 programmatic design criteria, such as the requirement of
 219 specific student-tutor ratios.

- 220 9. Enter into a compact with the provider, parent, and
 221 student. The compact, which shall be maintained for monitoring
 222 purposes, shall include, at a minimum:
- 223 a. A notification letter to the parent of a student who is
 224 eligible to receive SES from an approved provider.
- 225 b. Procedures regarding how the SES provider may contact
 226 schools and parents regarding available services.
- 227 c. Development of a collaborative relationship with the
 228 LEA to ensure that issues and concerns are handled in a timely
 229 and efficient manner.
- 230 d. Specific achievement goals for the student, which shall
 231 be developed in consultation with the student's parent.
- 232 e. An established timetable for improving the student's
 233 achievement.
- 234 f. Selection of a provider from the department's approved
 235 provider list.
- 236 g. Scheduled tutoring sessions.
- 237 10. Assist the department as needed in identifying
 238 potential providers within the school district.
- 239 11. Provide the information the department needs to
 240 monitor the quality and effectiveness of the SES offered by
 241 providers as specified in federal law.
- 242 12. Protect the privacy of students who receive SES. The
 243 LEA shall provide achievement data of students to providers
 244 serving those students.
- 245 13. Notify parents immediately if a provider becomes
 246 ineligible to serve as an SES provider. Notification shall

247 include the steps parents must follow in order to secure another
 248 provider.

249 14. Provide approved providers with registration forms and
 250 logistical information, including the procedures parents must
 251 follow in obtaining SES for their children.

252 15. While appealing an AYP decision, continue to provide
 253 services while the appeal is being resolved and a final AYP
 254 determination is being made. If an appeal is granted, the LEA
 255 shall continue to serve students currently receiving SES until
 256 the end of the contract period but is not obligated to provide
 257 SES to additional students.

258 16. Include in a school improvement plan steps to ensure
 259 that eligible students will receive SES as required by law
 260 whenever a school is classified as needing improvement for a
 261 second or subsequent year.

262 17. Ensure that eligible students from any school that is
 263 in the second year of school improvement, corrective action, or
 264 restructuring and has not achieved AYP at least once since such
 265 identification shall be offered SES before the start of the
 266 school year.

267 18. Set aside up to 20 percent of its Title I, Part A
 268 allocation for SES. Before determining that an amount less than
 269 20 percent of its allocation is needed for choice-related
 270 transportation and SES, an LEA shall document to the department
 271 that it has fully met demands for these services. An LEA must
 272 document, and make publicly available, that it has:

273 a. Appropriately notified all parents of eligible students
 274 of the availability of public school choice and SES.

275 b. Adequately publicized the options to parents in
 276 understandable formats and multiple forums.

277 c. Offered parents a reasonable period of time to
 278 investigate their options and submit their requests for either
 279 public school choice or SES.

280

281 LEAs may amend unobligated SES funds into the general Title I
 282 budget by the May 15 consolidated application budget amendment
 283 deadline by ensuring that a minimum of 50 percent of the
 284 students eligible to receive SES are served by an approved
 285 provider. LEAs not meeting the 50-percent criteria shall submit
 286 to the department a list of eligible students, students
 287 receiving services, and otherwise eligible students on a wait
 288 list. LEAs must develop additional plans to notify, enroll, and
 289 serve sufficient numbers of SES students until the maximum Title
 290 I funds are utilized or at least 50 percent of the eligible
 291 students are served, whichever comes first. LEAs must obtain an
 292 affirmative election from the parents of unserved, but otherwise
 293 eligible, students that they decline to participate in SES for
 294 that school year.

295 (c) Provider responsibilities.--The provider shall:

296 1. Agree to negotiate directly with LEAs to determine
 297 scheduled sessions per student. Cost of services shall not
 298 exceed the per-student spending limit calculated by each LEA.

299 2. Set specific achievement goals for each student, which
 300 shall be developed in consultation with each student's parent.

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301 3. Provide a description of how each student's progress
 302 will be measured and how each student's parent and instructors
 303 will be regularly informed of that progress.

304 4. Establish a timetable for improving each student's
 305 achievement.

306 5. Agree not to disclose to the public the identity of any
 307 student eligible for or receiving SES without the written
 308 permission of the student's parent.

309 6. Agree to meet all applicable federal, state, and local
 310 health, safety, and civil rights laws.

311 7. Ensure that all instruction and content are secular,
 312 neutral, and nonideological.

313 8. Ensure that instruction is consistent with student
 314 achievement goals.

315 9. Agree to abide by the education industry association's
 316 current version of the SES code of ethics.

317 (d) Parent responsibilities.--The parent shall:

318 1. Request SES for the student.

319 2. Select a provider from the department's approved
 320 provider list.

321 3. Transport students to and from the place of service
 322 when not provided by the provider.

323 4. Work with the provider to set achievement goals for the
 324 student.

325 5. Maintain open communication with a provider about a
 326 student's progress.

327 (e) Provider criteria.--

328 1. Providers shall meet the following criteria:

- 329 a. Have a demonstrated record of effectiveness in
 330 improving student academic achievement.
- 331 b. Document that the instructional strategies used by the
 332 provider are of high quality, based upon research, and designed
 333 to increase student academic achievement.
- 334 c. Document that services are aligned with the Sunshine
 335 State Standards in the area of reading or mathematics, or both.
- 336 d. Provide evidence that the provider is financially
 337 sound.
- 338 e. Document that the provider will provide SES consistent
 339 with all applicable federal, state, and local health, safety,
 340 and civil rights laws.
- 341 f. Meet all requirements set forth in guidelines issued by
 342 the department, including, but not limited to, reporting
 343 requirements, application requirements, deadlines, timelines,
 344 and standards.
- 345 g. Provide instruction that is secular, neutral, and
 346 nonideological.
- 347 2. Providers applying for statewide provider status upon
 348 request shall serve students in any LEA regardless of the
 349 geographical location. Providers approved for statewide provider
 350 status may be removed from the provider list if this requirement
 351 is not met. Providers removed from the statewide list may
 352 reapply and specify a geographical area for their service.
- 353 (f) Monitoring and evaluation.--
- 354 1. The department shall monitor, at least annually, all
 355 providers currently serving students. Monitoring shall be

356 conducted at a representative sample of the locations at which
 357 the provider serves participating students.

358 a. The department shall schedule with the provider a
 359 mutually agreeable date and time for a monitoring visit. Prior
 360 to a monitoring visit, the department shall send to the
 361 provider, in writing, confirmation of the scheduled date and
 362 time.

363 b. Prior to a monitoring visit, the department shall
 364 notify the provider of all documentation necessary to
 365 demonstrate compliance with all applicable state and federal
 366 laws related to SES. The provider may request technical
 367 assistance from the department in identifying the relevant
 368 documents.

369 c. A provider's performance on each monitoring standard
 370 and a provider's overall performance rating shall be indicated
 371 on the SES provider monitoring form. The department shall send
 372 to the provider, in a timely manner, a copy of the completed
 373 monitoring form that includes notes regarding items of
 374 documentation that are missing or incomplete.

375 2. The department shall develop specific procedures to
 376 annually evaluate all providers that have served students for 2
 377 or more consecutive years in reading, language arts, or
 378 mathematics. These procedures shall:

379 a. Account for, and be fair to, providers that serve both
 380 large and small populations of students and that use varying
 381 methods of instruction.

382 b. Be fair and sensitive enough to record gains of
 383 individual students, especially students whose achievement level
 384 is several grades behind grade level.

385 c. Isolate the effects of SES from other variables that
 386 might affect a student's achievement using regression analysis,
 387 comparison groups, or other valid and reliable statistical
 388 means.

389 d. Collect qualitative data on parental satisfaction with
 390 provider services.

391 e. Include safeguards against potential conflicts of
 392 interests when the LEA is also an approved provider and is
 393 involved in provider monitoring and evaluation.

394 3. If the department determines that a provider has failed
 395 to contribute to increasing the academic proficiency of students
 396 for 2 or more consecutive years in reading, language arts, or
 397 mathematics in a specific LEA, the department shall remove the
 398 provider from the approved provider list for that LEA.

399 4. The provider shall have the opportunity to appeal the
 400 department's decision to the State Board of Education. The
 401 provider may reapply to the department for approval after a 1-
 402 year waiting period.

403 5. The department shall require an LEA to submit:

404 a. The parental notification letters the LEA has developed
 405 and utilized to inform parents of eligible students.

406 b. At least twice during the school year, updated
 407 information on how many students in the LEA are eligible for SES
 408 and how many students make use of SES.

409 c. How much money, in total dollars and per student, is
 410 being spent by the LEA on SES.

411 (g) Complaint process.--

412 1. The department shall monitor complaints from parents,
 413 students, SES providers, school districts, and other individuals
 414 to determine whether LEAs and SES providers are in compliance
 415 with the applicable state and federal laws, rules, regulations,
 416 and guidance governing the provision of SES. The department
 417 shall annually provide a summary report to the State Board of
 418 Education.

419 2. An organization or individual may file with the
 420 department a signed, written complaint setting forth allegations
 421 of noncompliance. The written complaint shall include, at a
 422 minimum:

423 a. A clear statement of the allegation.

424 b. A summary of the facts upon which the allegation is
 425 based.

426 c. Any documentation supporting the allegation.

427 d. The complainant's contact information, including the
 428 name of an individual complainant or an authorized
 429 representative of the complainant organization and the address
 430 and telephone number of the individual or representative.

431 3. Complaints received from an organization or individual
 432 shall be signed and addressed in writing to the department.

433 4. The department shall acknowledge, in writing, its
 434 receipt of a complaint within 15 business days.

435 5. The department shall, in a timely manner, commence an
 436 investigation of the allegations set forth in the complaint and

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437 make an independent determination as to whether the allegations
438 warrant further review or action.

439 6. If necessary, the department may conduct an onsite
440 visit to clarify any issues raised by the complaint. An onsite
441 investigation team may examine relevant records and conduct
442 interviews of relevant persons to determine whether there has
443 been a violation of any applicable state or federal law, rule,
444 regulation, or guideline.

445 7. The department shall send written notification to all
446 appropriate parties of the steps necessary to resolve the
447 complaint, including technical assistance activities,
448 negotiations, and corrective actions to achieve compliance. This
449 notification may include specific requirements and timelines
450 that must be met in order to ensure that providers other than
451 LEAs continue to receive SES funds from the LEA. LEAs that are
452 providers shall meet the requirements in order to ensure that
453 funds equal to the amount of their SES set-aside are available
454 in the department's grants accounting system.

455 8. Upon conclusion of the department's investigation, the
456 department shall take appropriate action to remedy violations of
457 applicable laws, rules, regulations, or guidelines, including
458 removal of a provider from the approved provider list.

459 9. If the department makes the decision to remove a
460 provider from the approved provider list, the LEA shall be
461 notified no later than 10 business days after the department's
462 action. Each provider notified of the decision shall have the
463 right to appeal such decision prior to its becoming final.

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464 10. If an LEA does not comply with providing SES to
 465 eligible students within the established timeframe, the
 466 department shall withhold funds equal to the amount of the LEA's
 467 SES set-aside funds until the LEA complies.

468 11. If funds are withheld from an LEA for not providing
 469 SES to eligible students within the specified timeframe, the
 470 department may enter into agreements with providers in lieu of
 471 the LEA.

472 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1373
SPONSOR(S): Attkisson
TIED BILLS:

Supplemental Educational Services
IDEN./SIM. BILLS: SB 2616

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Beagle	Mizereck
2) Education Appropriations Committee			
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

The No Child Left Behind Act of 2001 (NCLB) authorizes the use of federal funds to provide supplemental educational services (SES) to low income children attending low performing schools. States are required to adopt standards governing the provision of SES to eligible students. Currently, there are no provisions in Florida law establishing state standards for SES services.

The bill establishes statewide standards governing the provision of SES and prescribes certain responsibilities to the Department of Education (DOE), local education agencies (LEA), SES providers, and parents.

The bill sets an effective date of July 1, 2006.

This bill does not have a fiscal impact. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty: The bill requires the Department of Education and school districts to take certain measures to increase access to supplemental educational services.

Empower Families: The bill increases opportunities for parents to enroll their child in supplemental education services.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

NCLB authorizes the use of federal funds to provide SES to low income children attending low performing schools. SES may include tutoring, additional instruction, or other services provided outside of the regular school day in reading, language arts, or mathematics.¹

Generally, a student is eligible for SES if the student meets school district established criteria for low income status and is attending a school subject to restructuring or corrective action or in its second year of school improvement.² NCLB requires state education agencies (SEA) to take certain measures to promote provider participation in the provision of SES.³ Each SEA must also follow federally established criteria in establishing state standards for approving providers. Each SEA must maintain and disseminate to school districts a list of the approved providers available in each school district.

School districts are required by NCLB to promptly inform parents that the school their child is attending is in need of improvement.⁴ In addition, school districts must provide parents a list of state-approved providers.⁵ Parents may utilize approved programs conducted by a non-profit entity, a for-profit entity, LEA, an educational service agency, a public school, a public charter school, or a private school.⁶

Currently, there are no provisions in Florida law establishing state standards for SES services.

Effect of Proposed Changes:

House bill 1373 establishes statewide standards governing the provision of SES and prescribes certain responsibilities to the DOE, LEA, SES providers, and parents. Many of these requirements are already in federal law and some build on current requirements of federal law.

Department of Education Responsibilities:

- Identify, notify, promote participation, and approve potential providers.
- Develop pre- and post-assessments to identify and target instruction to student needs and monitor the effectiveness of services.
- Maintain a statewide and regional list of approved providers, and make lists available to school districts.
- Develop standards for monitoring quality and effectiveness of provider services.
- Ensure that LEAs have met obligations to parents.

¹ 34 C.F.R. § 200.45.

² U.S. Department of Education, Supplemental Education Services: Quick Reference for Parents, available at <http://www.ed.gov/parents/academic/help/supplemental-services.html> (Accessed Mar. 16, 2006).

³ Id.

⁴ 34 C.F.R. § 200.37.

⁵ 34 C.F.R. § 200.46.

⁶ 34 C.F.R. § 200.47

- Notify LEAs of specific schools that are subject to restructuring or corrective action or in the second year of school improvement.
- Post a downloadable enrollment application on the DOE website.

Local Education Agency Responsibilities:

- Provide recurrent notification to parents of eligible students about the availability of SES.
- Assist parents in obtaining and registering for services.
- Determine per-student funding based on federal law limits.
- Follow prescribed procedures for agreements with SES providers.
- Approve providers in a fair and transparent manner and establish procedures for monitoring provider quality and performance.

Provider Responsibilities:

- Set and target instruction to student achievement goals.
- Establish and explain procedures for monitoring progress and notifying parents and classroom instructors of student progress.
- Ensure that all instruction is secular, neutral, and nonideological.

Parent Responsibilities:

- Request services and select a provider.
- Provide transportation to the student when not otherwise provided by the provider.
- Work with providers to set student goals and maintain open communication with the provider.

In addition, the bill establishes eligibility criteria that SES providers must meet to gain state approval. The bill requires the DOE to establish a system for conducting annual evaluations of all SES providers. Similarly, the bill establishes a complaint process for parents, students, LEAs, and SES providers for determining whether the DOE and LEAs are in compliance with applicable laws and regulations governing SES.

The bill authorizes the DOE to withhold Title I funds from LEAs that fail to provide SES to eligible students.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law governing the provision of SES.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires the DOE and LEAs to take certain measures to notify parents of eligible students of the availability of supplemental educational services. Private providers approved by DOE may experience an increase in demand for their services.

D. FISCAL COMMENTS:

NCLB requires school districts with schools subject to restructuring or corrective action or in the second year of school improvement to set aside 20% of their Title I funds to pay for SES. The bill requires LEAs to establish per student funding amounts and take certain measures to increase the availability of SES to eligible students. The increased demand for SES that is likely to occur will result in greater expenditures of Title I funds within the 20% set aside for providing SES.

The bill prohibits school districts from using leftover SES funds for other Title I purposes unless the district ensures that a minimum of 50% of eligible students are being served. School districts are required to take additional measures to notify, enroll, and serve SES students and must also obtain a documented denial of services from each parent who does not enroll their student in SES. After complying with these measures, the district still may not use the funds for other Title I purposes unless it meets the 50% criteria or until the full 20% set-aside has been utilized.

The bill allows the DOE to withhold Title I funds from school districts that fail to meet certain obligations pertaining to SES services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

It appears that the bill would preclude school districts with unused SES funds that fall short of the 50% requirement from ever using those funds for other Title I purposes. Even districts that make reasonable, good faith efforts to notify, enroll, and serve as many eligible SES students as practicable may never meet the 50% enrollment requirement. Many factors outside the district's control could contribute to its not meeting 50% enrollment, such as an absence of available approved providers or high numbers of parents not choosing SES services.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled
 An act relating to district school boards; amending s.
 1003.02, F.S.; requiring each district school board that
 selects a vendor to market student class rings to select a
 vendor that meets certain criteria; requiring each
 district school board to notify students and parents that
 the purchase of a class ring may be through any vendor
 marketing class rings and that a student may participate
 in related ceremonies or activities regardless of the
 vendor through which the purchase was made; providing an
 effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) is added to section 1003.02,
 Florida Statutes, to read:

1003.02 District school board operation and control of
 public K-12 education within the school district.--As provided
 in part II of chapter 1001, district school boards are
 constitutionally and statutorily charged with the operation and
 control of public K-12 education within their school district.
 The district school boards must establish, organize, and operate
 their public K-12 schools and educational programs, employees,
 and facilities. Their responsibilities include staff
 development, public K-12 school student education including
 education for exceptional students and students in juvenile
 justice programs, special programs, adult education programs,

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28 and career education programs. Additionally, district school
 29 boards must:

30 (5) (a) If selecting a vendor to market class rings to
 31 students, select a vendor that does not intimidate students with
 32 respect to the purchase of class rings or discriminate against a
 33 student who purchases a class ring from another vendor by
 34 excluding the student from participating in any ceremony or
 35 activity relating to the receipt of a class ring.

36 (b) Notify in writing each student and his or her parent
 37 that the student may purchase his or her class ring through any
 38 vendor regardless of the fact that the district school board may
 39 contract with a vendor for marketing class rings. The
 40 notification must include an explanation of the right of each
 41 student purchasing a class ring to participate in any ceremony
 42 or activity relating to the receipt of a class ring.

43 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1377

District School Boards

SPONSOR(S): Arza

TIED BILLS:

IDEN./SIM. BILLS: SB 2748

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Beagle	Mizereck
2) Education Appropriations Committee			
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

Florida law grants local district school boards authority to control K-12 education operations in the district.

House bill 1377 establishes criteria for district school boards' selection of class ring vendors and requires written notice to parents and students.

The bill has an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill places certain requirements on district school boards' selection of class ring vendors.

Safeguard Individual Liberty-- The bill requires districts to provide information so that students know they may purchase class rings from vendors not under contract with the school district.

B. EFFECT OF PROPOSED CHANGES:

Florida law grants local district school boards authority to control K-12 education operations in the district. Educational curricula, facilities operation and maintenance, student discipline and attendance policies, transportation, reporting and record keeping are among the duties prescribed to district school boards in statute.¹

House bill 1377 establishes criteria that district school boards must follow in selecting vendors to market class rings. The bill requires that the selected vendor may not intimidate students and that students be allowed to purchase class rings from any vendor and participate in class ring ceremonies regardless of their choice of class ring vendor. The bill requires district school boards to provide written notification to students and parents that students may purchase a class ring through any vendor, regardless of the district's contractual arrangements.

The bill takes effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.02, F.S.; providing certain requirements pertaining to class ring vendors.

Section 2. Providing an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

¹ Section 1003.02, F.S.

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill may increase the number of students choosing to buy class rings from vendors not under contract with the district school board.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

29 Program; revising program intent, purpose, participation,
 30 and use of funds; requiring the department to provide
 31 training and resources for certain student testing by
 32 educators; requiring department policies and procedures
 33 for the development of student individual education plans;
 34 providing an effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 Section 1. Paragraph (a) of subsection (6) of section
 39 1002.20, Florida Statutes, is amended to read:

40 1002.20 K-12 student and parent rights.--Parents of public
 41 school students must receive accurate and timely information
 42 regarding their child's academic progress and must be informed
 43 of ways they can help their child to succeed in school. K-12
 44 students and their parents are afforded numerous statutory
 45 rights including, but not limited to, the following:

46 (6) EDUCATIONAL CHOICE.--

47 (a) Public school choices.--Parents of public school
 48 students may seek whatever public school choice options that are
 49 ~~applicable to their students and are~~ available to students in
 50 their school districts. These options may include controlled
 51 open enrollment, lab schools, charter schools, charter technical
 52 career centers, magnet schools, alternative schools, special
 53 programs, academy programs, advanced placement, dual enrollment,
 54 International Baccalaureate, International General Certificate
 55 of Secondary Education (pre-AICE), Advanced International
 56 Certificate of Education, early admissions, credit by

57 examination or demonstration of competency, the New World School
 58 of the Arts, the Florida School for the Deaf and the Blind, and
 59 the Florida Virtual School. These options may also include the
 60 public school choice options of the Opportunity Scholarship
 61 Program and the McKay Scholarships for Students with
 62 Disabilities Program.

63 Section 2. Subsections (1), (2), and (5) of section
 64 1002.31, Florida Statutes, are amended to read:

65 1002.31 Public school parental choice.--

66 (1) As used in this section, "controlled open enrollment"
 67 means a public education delivery system that allows school
 68 districts to make student school assignments using parents'
 69 indicated preferential school choice ~~as a significant factor~~.

70 (2) Each district school board shall ~~may~~ offer controlled
 71 open enrollment within the public schools. The controlled open
 72 enrollment program shall be offered in addition to the existing
 73 choice programs such as magnet schools, alternative schools,
 74 special programs, academy programs, advanced placement, and dual
 75 enrollment.

76 (5) Each school district shall develop a system of
 77 priorities for its plan that includes ~~consideration of~~ the
 78 following:

79 (a) An application process required to participate in the
 80 controlled open enrollment program.

81 (b) A process that allows parents to declare school
 82 preferences.

83 (c) A process that allows ~~encourages~~ placement of siblings
 84 within the same school.

85 (d) A lottery procedure used by the school district to
 86 determine student assignment.

87 (e) An appeals process for hardship cases.

88 (f) The procedures to maintain socioeconomic, demographic,
 89 and racial balance.

90 ~~(g) The availability of transportation.~~

91 (g)~~(h)~~ A process that promotes strong parental
 92 involvement, including the designation of a parent liaison.

93 (h)~~(i)~~ A strategy that establishes a clearinghouse of
 94 information designed to assist parents in making informed
 95 choices.

96 Section 3. Section 1002.391, Florida Statutes, is created
 97 to read:

98 1002.391 Public school academy programs; public schools.--

99 (1) The Department of Education shall develop by January
 100 1, 2007, a plan for school districts to establish academy
 101 programs in every public school where feasible. Based on the
 102 school-within-a-school concept, academy programs shall be
 103 multiple programs within one school facility that allow students
 104 to concentrate on unique and specialized tracks of study of
 105 their choosing. The department's plan shall be based on the
 106 following:

107 (a) Students in each academy program shall be required to
 108 take a base of core-curricula courses in addition to specialized
 109 courses unique to each program.

110 (b) The plan shall include a waiver provision for school
 111 districts to continue offering traditional single-track programs
 112 if, because of unique circumstances, it is not feasible for them

113 to offer multi-track academy programs within individual schools.

114 (c) Parents shall be empowered to switch their child to a
 115 different academy program if they are unhappy with the program
 116 in which their child is enrolled. Except as provided in
 117 paragraph (d), once a child begins an academic year in an
 118 academy, he or she is required to attend that academy for the
 119 remainder of the academic year.

120 (d) Parents may apply to move their child to another
 121 academy program before the end of the academic year if special
 122 circumstances warrant such action, according to a process
 123 developed by the department.

124 (2) Parents shall be empowered to switch their child to
 125 another public school within the school district if they are
 126 unhappy with the school in which their child is enrolled. Once a
 127 child begins an academic year in a school, he or she is required
 128 to attend that school for the remainder of the academic year.
 129 However, if special circumstances warrant such action, parents
 130 may apply to move their child to another school before the end
 131 of the academic year, according to a process developed by the
 132 department.

133 (3) School districts shall provide transportation for
 134 students to attend academy programs or schools outside of their
 135 school zone. The department shall use Every Child Matters
 136 Program funds, pursuant to s. 1008.36, to reimburse school
 137 districts for reasonable costs to provide transportation for
 138 students who attend academy programs or schools outside of their
 139 school zone.

140 Section 4. Subsection (2) of section 1008.22, Florida
 141 Statutes, is amended, paragraphs (d), (e), and (f) of subsection
 142 (3) are redesignated as paragraphs (e), (f), and (g),
 143 respectively, and a new paragraph (d) is added to that
 144 subsection, to read:

145 1008.22 Student assessment program for public schools.--

146 (2) NATIONAL EDUCATION COMPARISONS.--

147 (a) It is Florida's intent to participate in the
 148 measurement of national educational goals. The Commissioner of
 149 Education shall direct Florida school districts to participate
 150 in the administration of the National Assessment of Educational
 151 Progress, or a similar national assessment program, both for the
 152 national sample and for any state-by-state comparison programs
 153 which may be initiated. Such assessments must be conducted using
 154 the data collection procedures, the student surveys, the
 155 educator surveys, and other instruments included in the National
 156 Assessment of Educational Progress or similar program being
 157 administered in Florida. The results of these assessments shall
 158 be included in the annual report of the Commissioner of
 159 Education specified in this section. The administration of the
 160 National Assessment of Educational Progress or similar program
 161 shall be in addition to and separate from the administration of
 162 the statewide assessment program.

163 (b) In order to ensure that Florida provides "a uniform,
 164 efficient, safe, secure, and high quality system of free public
 165 schools that allows students to obtain a high quality education"
 166 as required in s. 1, Art. IX of the State Constitution, the
 167 Commissioner of Education shall:

168 1. Adopt performance standards, set goals, and provide the
 169 resources necessary to ensure that Florida ranks in the top half
 170 of state-by-state education performance comparisons compiled by
 171 the United States Department of Education.

172 2. Set goals so that in no instance will Florida rank in
 173 the bottom quartile of any state-by-state education performance
 174 comparison compiled by the United States Department of
 175 Education.

176 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
 177 design and implement a statewide program of educational
 178 assessment that provides information for the improvement of the
 179 operation and management of the public schools, including
 180 schools operating for the purpose of providing educational
 181 services to youth in Department of Juvenile Justice programs.
 182 The commissioner may enter into contracts for the continued
 183 administration of the assessment, testing, and evaluation
 184 programs authorized and funded by the Legislature. Contracts may
 185 be initiated in 1 fiscal year and continue into the next and may
 186 be paid from the appropriations of either or both fiscal years.
 187 The commissioner is authorized to negotiate for the sale or
 188 lease of tests, scoring protocols, test scoring services, and
 189 related materials developed pursuant to law. Pursuant to the
 190 statewide assessment program, the commissioner shall:

191 (d) Develop and implement a student achievement testing
 192 program known as the Florida Comprehensive Assessment Test
 193 (FCAT) Pretest as part of a statewide diagnostic tool for public
 194 school students. The FCAT Pretest shall be given during the
 195 first week of the academic year to assess the academic strengths

196 and weaknesses of each student so that teachers can accurately
 197 develop curricula that promote advancement of all students. The
 198 FCAT Pretest shall be used for diagnostic purposes only and
 199 shall not be used to determine performance categories for
 200 academy programs or public schools.

201 Section 5. Section 1008.33, Florida Statutes, is amended
 202 to read:

203 1008.33 Authority to enforce public school
 204 improvement.--It is the intent of the Legislature that all
 205 public schools be held accountable for students performing at
 206 acceptable levels. A system of school improvement and
 207 accountability that assesses student performance by school,
 208 identifies schools in which students are not making adequate
 209 progress toward state standards, institutes appropriate measures
 210 for enforcing improvement, and provides rewards and sanctions
 211 based on performance shall be the responsibility of the State
 212 Board of Education.

213 (1) Pursuant to Art. IX of the State Constitution
 214 prescribing the duty of the State Board of Education to
 215 supervise Florida's public school system and notwithstanding any
 216 other statutory provisions to the contrary, the State Board of
 217 Education shall intervene in the operation of a district school
 218 system when one or more schools in the school district have
 219 failed to make adequate progress for 2 school years in a 3-year
 220 ~~4-year~~ period. For purposes of determining when an academy
 221 program or a school is eligible for state board action ~~and~~
 222 ~~opportunity scholarships~~ for its students, the terms "2 years in
 223 any 3-year ~~4-year~~ period" and "2 years in a 3-year ~~4-year~~

224 period" mean that in any year that a school has a performance
 225 category of "Inadequate Progress," ~~grade of "F,"~~ the school is
 226 eligible for state board action ~~and opportunity scholarships~~ for
 227 its students if it also has had a performance category of
 228 "Inadequate Progress" ~~grade of "F"~~ in any of the previous 2 ~~3~~
 229 school years. The State Board of Education may determine that
 230 the school district or school has not taken steps sufficient for
 231 students in the school to be academically well served.
 232 Considering recommendations of the Commissioner of Education,
 233 the State Board of Education shall recommend action to a
 234 district school board intended to improve educational services
 235 to students in each school that is designated as performance
 236 ~~grade~~ category "Inadequate Progress." ~~"F."~~ Recommendations for
 237 actions to be taken in the school district shall be made only
 238 after thorough consideration of the unique characteristics of an
 239 academy program or a school, which shall include student
 240 mobility rates, the number and type of exceptional students
 241 ~~enrolled in the school,~~ and the availability of options for
 242 improved educational services. The state board shall adopt by
 243 rule steps to follow in this process. Such steps shall provide
 244 school districts sufficient time to improve student performance
 245 in schools and the opportunity to present evidence of assistance
 246 and interventions that the district school board has
 247 implemented.

248 (a) An academy program or school shall not receive a
 249 performance category of "Inadequate Progress" if it has an
 250 overall increase in student achievement of 10 percent over the
 251 previous year.

252 (b) An academy program or school shall not receive a
 253 performance category of "Inadequate Progress" if it falls below
 254 its previous year's score but maintains adequate performance
 255 standards compared to other programs or schools in the state.

256 (c) The State Board of Education shall determine by rule
 257 what constitutes "Adequate Progress" and "Inadequate Progress"
 258 for the purposes of the state education performance
 259 accountability system.

260 (2) The State Board of Education may recommend one or more
 261 of the following actions to district school boards to enable
 262 students in academy programs and schools designated as
 263 performance grade category "Inadequate Progress" "F" to be
 264 academically well served by the public school system:

265 (a) Provide additional resources, change certain
 266 practices, and provide additional assistance if the state board
 267 determines the causes of inadequate progress to be related to
 268 school district policy or practice;

269 (b) Implement a plan that satisfactorily resolves the
 270 education equity problems in the academy program or school;

271 (c) Contract for the educational services of the academy
 272 program or school, or reorganize the academy program or school
 273 at the end of the school year under a new school principal who
 274 is authorized to hire new staff and implement a plan that
 275 addresses the causes of inadequate progress;

276 ~~(d) Allow parents of students in the school to send their~~
 277 ~~children to another district school of their choice; or~~

278 (d)(e) Other action appropriate to improve the school's
 279 performance.

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280 (3) In recommending actions to district school boards, the
 281 State Board of Education shall specify the length of time
 282 available to implement the recommended action. The State Board
 283 of Education may adopt rules to further specify how it may
 284 respond in specific circumstances. No action taken by the State
 285 Board of Education shall relieve an academy program or a school
 286 from state accountability requirements.

287 (4) The State Board of Education may require the
 288 Department of Education or Chief Financial Officer to withhold
 289 any transfer of state funds to the school district if, within
 290 the timeframe specified in state board action, the school
 291 district has failed to comply with the action ordered to improve
 292 the district's low-performing academy programs or schools.
 293 Withholding the transfer of funds shall occur only after all
 294 other recommended actions for school improvement have failed to
 295 improve performance. The State Board of Education may impose the
 296 same penalty on any district school board that fails to develop
 297 and implement a plan for assistance and intervention for low-
 298 performing schools as specified in s. 1001.42(16)(c).

299 Section 6. Section 1008.34, Florida Statutes, is amended
 300 to read:

301 1008.34 School grading system; district performance
 302 category ~~grade~~.--

303 (1) ANNUAL REPORTS.--The Commissioner of Education shall
 304 prepare annual reports of the results of the statewide
 305 assessment program which describe student achievement in the
 306 state, each district, and each school. The commissioner shall
 307 prescribe the design and content of these reports, which must

308 include, without limitation, descriptions of the performance of
 309 all schools participating in the assessment program and all of
 310 their major student populations as determined by the
 311 Commissioner of Education, and must also include the median
 312 scores of all eligible students who scored at or in the lowest
 313 25th percentile of the state in the previous school year;
 314 provided, however, that the provisions of s. 1002.22 pertaining
 315 to student records apply to this section.

316 (2) ACADEMY PROGRAM AND SCHOOL PERFORMANCE GRADE
 317 CATEGORIES.--The annual report shall identify academy programs
 318 and schools as being in one of the following performance grade
 319 categories defined according to rules of the State Board of
 320 Education:

321 (a) "Adequate progress." ~~"A," schools making excellent~~
 322 ~~progress.~~

323 (b) "Inadequate progress." ~~"B," schools making above~~
 324 ~~average progress.~~

325 ~~(c) "C," schools making satisfactory progress.~~

326 ~~(d) "D," schools making less than satisfactory progress.~~

327 ~~(e) "F," schools failing to make adequate progress.~~

328
 329 Beginning in the 2007-2008 school year, a school that has been
 330 designated as performance category "F" in a prior school year
 331 shall not be designated as performance category "Inadequate
 332 Progress" using the current year's data if that school has shown
 333 at least a 10-percent increase in student performance in each
 334 subject area. ~~Each school designated in performance grade~~
 335 ~~category "A," making excellent progress, or having improved at~~

336 ~~least two performance grade categories, shall have greater~~
 337 ~~authority over the allocation of the school's total budget~~
 338 ~~generated from the FEFP, state categoricals, lottery funds,~~
 339 ~~grants, and local funds, as specified in state board rule. The~~
 340 ~~rule must provide that the increased budget authority shall~~
 341 ~~remain in effect until the school's performance grade declines.~~

342 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
 343 CATEGORIES.--For purposes of determining academy program or
 344 school performance, student performance should be based on all
 345 students' annual learning gains compared to the previous year.
 346 School performance grade category designations itemized in
 347 subsection (2) shall be based on the following:

- 348 (a) Timeframes.--
- 349 1. Academy program or school performance grade category
 350 designations shall be based on the school's current year
 351 performance of the academy program or school and its the
 352 school's annual learning gains.
- 353 2. Beginning in school year 2007-2008, the performance
 354 category designation of an academy program or a school shall be
 355 determined based upon the following weighted factors, according
 356 to rules adopted by the State Board of Education:
- 357 a. Fifty percent of the performance category shall be
 358 based on students' FCAT scores.
- 359 b. Fifty percent of the performance category shall be
 360 based on measures, where appropriate, that include performance
 361 in non-FCAT courses; NAEP scores; dropout rate; retention;
 362 expulsions; attendance; delinquencies; school crime rate;
 363 effectiveness of Advanced Placement courses; Florida Bright

364 Futures Scholarship Program awards; college acceptance rates;
 365 and rate of placement of vocational students in the workforce.

366 ~~2. A school's performance grade category designation shall~~
 367 ~~be based on a combination of student achievement scores, student~~
 368 ~~learning gains as measured by annual FCAT assessments in grades~~
 369 ~~3 through 10, and improvement of the lowest 25th percentile of~~
 370 ~~students in the school in reading, math, or writing on the FCAT,~~
 371 ~~unless these students are performing above satisfactory~~
 372 ~~performance.~~

373 (b) Student assessment data.--Student assessment data used
 374 in determining academy program and school performance grade
 375 categories shall include:

376 1. The aggregate scores of all eligible students enrolled
 377 in the academy program or school who have been assessed on the
 378 FCAT.

379 2. The aggregate scores of all eligible students enrolled
 380 in the academy program or school who have been assessed on the
 381 FCAT, including Florida Writes, ~~and who have scored at or in the~~
 382 ~~lowest 25th percentile of students in the school in reading,~~
 383 ~~math, or writing, unless these students are performing above~~
 384 ~~satisfactory performance.~~

385
 386 The Department of Education shall study the effects of mobility
 387 on the performance of highly mobile students and recommend
 388 programs to improve the performance of such students. The State
 389 Board of Education shall adopt appropriate criteria for each
 390 ~~school~~ performance grade category. The criteria must also give
 391 added weight to student achievement in reading. ~~Schools~~

392 ~~designated as performance grade category "C," making~~
 393 ~~satisfactory progress, shall be required to demonstrate that~~
 394 ~~adequate progress has been made by students in the school who~~
 395 ~~are in the lowest 25th percentile in reading, math, or writing~~
 396 ~~on the FCAT, including Florida Writes, unless these students are~~
 397 ~~performing above satisfactory performance.~~

398 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
 399 identify each school's performance as having improved, remained
 400 the same, or declined. This school improvement rating shall be
 401 based on a comparison of the current year's and previous year's
 402 student and academy program or school performance data. ~~Schools~~
 403 ~~that improve at least one performance grade category are~~
 404 ~~eligible for school recognition awards pursuant to s. 1008.36.~~

405 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
 406 RATING REPORTS.--School performance ~~grade~~ category designations
 407 and improvement ratings shall apply to the each school's
 408 performance of each academy program or school for the year in
 409 which performance is measured. Each ~~school's~~ designation and
 410 rating shall be published annually by the Department of
 411 Education and the school district. Parents shall be entitled to
 412 an easy-to-read report card about the designation and rating of
 413 the academy program or school in which their child is enrolled.

414 (6) RULES.--The State Board of Education shall adopt rules
 415 pursuant to ss. 120.536(1) and 120.54 to implement the
 416 provisions of this section.

417 (7) PERFORMANCE-BASED FUNDING.--The Legislature may factor
 418 in the performance of academy programs and schools in

419 calculating any performance-based funding policy that is
 420 provided for annually in the General Appropriations Act.

421 (8) DISTRICT PERFORMANCE ~~GRADE~~.--The annual report
 422 required by subsection (1) shall include district performance
 423 categories ~~grades~~, which shall consist of weighted district
 424 average performance categories ~~grades~~, by level, for all
 425 elementary schools, middle schools, and high schools in the
 426 district. A district's weighted average performance category
 427 grade shall be calculated by weighting individual academy
 428 program and school performance category designations ~~grades~~
 429 determined pursuant to subsection (2) by school enrollment.
 430 School districts shall have a variety of tools at their disposal
 431 to maintain high performance standards. These tools shall
 432 include, but not be limited to:

433 (a) Giving academy programs and schools that make
 434 "Adequate Progress" greater spending flexibility in their annual
 435 budgets.

436 (b) Allowing academy programs and schools that make
 437 "Adequate Progress" to operate free of many state categoricals
 438 and rules.

439 Section 7. Section 1008.36, Florida Statutes, is amended
 440 to read:

441 1008.36 Every Child Matters Florida School Recognition
 442 Program.--

443 (1) The Legislature finds that in order to provide every
 444 student enrolled in K-12 public schools with the opportunity to
 445 achieve a successful public education, academic problems must be
 446 identified early and remediation and intervention services must

447 be provided. It is the intent of this section that no child
 448 shall be left behind ~~there is a need for a performance incentive~~
 449 ~~program for outstanding faculty and staff in highly productive~~
 450 ~~schools. The Legislature further finds that performance based~~
 451 ~~incentives are commonplace in the private sector and should be~~
 452 ~~infused into the public sector as a reward for productivity.~~

453 (2) The Every Child Matters Florida School Recognition
 454 Program is created to provide financial awards to public schools
 455 that:

456 (a) A curriculum-based, year-round measurement of learning
 457 gains for all kindergarten students enrolled in public schools.
 458 ~~Sustain high performance by receiving a school grade of "A,"~~
 459 ~~making excellent progress; or~~

460 (b) Remediation and intervention services to all
 461 kindergarten through grade 12 students enrolled in public
 462 schools who are not meeting grade-appropriate performance
 463 expectations, including FCAT scores. ~~Demonstrate exemplary~~
 464 ~~improvement due to innovation and effort by improving a letter~~
 465 ~~grade.~~

466 (3) All public schools, including charter schools, ~~that~~
 467 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
 468 participate in the program.

469 (4) All academy programs and ~~selected~~ schools shall
 470 receive financial assistance ~~awards~~ depending on the
 471 availability of funds appropriated and ~~the number and size of~~
 472 ~~schools selected to receive an award.~~ Funds must be distributed
 473 to the school's fiscal agent and placed in the school's account
 474 and must be used for purposes listed in subsection (5) as

475 determined jointly by the school's staff and school advisory
 476 council. ~~If school staff and the school advisory council cannot~~
 477 ~~reach agreement by November 1, the awards must be equally~~
 478 ~~distributed to all classroom teachers currently teaching in the~~
 479 ~~school.~~

480 (5) Every Child Matters Program funds School recognition
 481 ~~awards~~ must be used for the following:

482 (a) Administration of the Dynamic Indicators of Basic
 483 Early Literacy Skills (DIBELS) to all kindergarten students
 484 enrolled in public schools ~~Nonrecurring bonuses to the faculty~~
 485 ~~and staff;~~

486 (b) Nonrecurring expenditures for remediation of low-
 487 performing students, including remediation programs and
 488 intervention services adopted and administered by the Department
 489 of Education;

490 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
 491 or materials to assist in the remediation of low-performing
 492 students; maintaining and improving student performance; or

493 (d) ~~(e)~~ Temporary personnel for the school to assist in the
 494 remediation of low-performing students; maintaining and
 495 improving student performance.

496 (e) Contracts with private sector participants to provide
 497 remediation services provided that 90 percent of the personnel
 498 providing services reside in the state; or

499 (f) Transportation of students pursuant to s. 1002.391.

500

501 ~~Notwithstanding statutory provisions to the contrary, incentive~~
 502 ~~awards are not subject to collective bargaining.~~

HB 1427

2006

503 Section 8. (1) The Department of Education shall provide
 504 training and informational resources for educators to administer
 505 the Dynamic Indicators of Basic Early Literacy Skills (DIBELS)
 506 and shall be responsible for creating and implementing
 507 provisions for the collection and analysis of the testing data.

508 (2) The Department of Education shall establish policies
 509 and procedures for the development of individual education plans
 510 for low-performing students who need remediation and
 511 intervention services.

512 Section 9. This act shall take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government- The bill eliminates each public school district's authority to choose to offer a controlled open enrollment program. The bill increases the district's responsibility to provide transportation to students in controlled open enrollment programs and to students attending academies or schools within or outside the district's school zone.

Promote Personal Responsibility- The bill eliminates the Opportunity Scholarship Program's public school choice option for a student attending failing school, which eliminates 1688 students from participating in this public school choice option.

B. EFFECT OF PROPOSED CHANGES:

PUBLIC SCHOOL CHOICE

Background

Florida law provides that parents of public school students may seek whatever public school choice options applicable to their students and available to students in their school districts. Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential public school choice as a significant factor. School districts are not required to offer the controlled open enrollment program but may offer it in addition to any existing choice programs. Each school board is required to develop a plan describing the controlled open enrollment program within their public school system based on a system of priorities that includes the consideration of several factors, including but not limited to, application process, lottery procedure, availability of transportation, and procedures to maintain socioeconomic, demographic, and racial balance.¹

According to the 2004-2005 Survey 3, 45 school districts reported through the state automated student information system implementation of a controlled open enrollment plan for one or more students: Alachua, Baker, Bay, Brevard, Charlotte, Citrus, Collier, Miami-Dade, Desoto, Escambia, Franklin, Hamilton, Hardee, Hendry, Hillsborough, Holmes, Indian River, Jackson, Lake, Lee, Leon, Madison, Manatee, Marion, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Santa Rosa, Sarasota, Seminole, Suwannee, Taylor, Volusia, Wakulla, Walton, and Washington.

Each school district is required to provide transportation for students who meet one of the criteria established by statute and rule.² Florida's school districts operate approximately 15,200 school buses on a typical school day, transporting over 1,054,000 students to and from school and between schools. The 2004-05 Legislature appropriated \$440,240,965 million to school districts in order to fund transportation services. Each school district receives a portion of these funds for the transportation of eligible students. Each school district's allocation is calculated based on the membership of students to

¹ s. 1002.31, F.S.

² s. 1006.21, F.S., and Rule 6A-3.001 F.A.C provides transportation for the following: a student lives two miles or more from school; a student has a disability, regardless of distance from school; a student is pregnant or a student parent, including the child of a student parent, and is enrolled in a teenage parent program; a student is enrolled in a state pre-kindergarten disability program, regardless of distance from school; a student is transported from one school to another to participate in an instructional program or service for vocational students, dual enrollment students, or students with disabilities; a student is in elementary school not to exceed grade six and the student is subjected to hazardous walking conditions according to s. 1006.23, F.S.

be transported according to s. 1011.68, F.S.,³ multiplied by the transportation allocation per student. The actual expenditures by school districts for transportation in Fiscal Year 2004-05 were \$806,216,744.76. School districts were required to reprioritize their school budgets to pay for transportation costs that exceeded the appropriated amount.

Effects of Proposed Changes

The bill makes controlled open enrollment mandatory for every school district in the state. It also provides that parents of public school students may seek any public school choice options available in their school districts, and creates a new public school choice option of academy programs. Furthermore, school districts are no longer allowed to consider the availability of transportation in their controlled open enrollment programs. With the implementation of these two school choice options, school districts could potentially be responsible for transporting students all over the district since the school district is no longer allowed to use the availability of transportation as a factor in providing school choice options. Thus, mandating school districts to provide transportation for controlled open enrollment programs, to students in academy programs, and to schools and academies outside the district school zone could potentially cause school districts to spend exponentially more for transportation than they are currently spending. Further, transportation expenses will most likely increase due to the increasing cost of fuel.

The Opportunity Scholarship Program's (OSP) public school choice option for a student attending failing school is removed by this bill. In the October 2005 survey, 1688 students were reported by school districts as participating in the OSP public school choice option. By eliminating this program, the bill effectively eliminates 1688 students from participating in this public school choice option that was not deemed unconstitutional by the Florida Supreme Court in *Bush v. Holmes*.

Academy programs, as defined in this bill, are multiple programs within one school facility that allow students to concentrate on unique and specialized tracks of study of their choosing. The bill does not identify examples of "unique and specialized tracks" of studies nor does it differentiate these programs from existing programs such as magnet schools, charter schools, charter technical career centers and other public school choice options.

The Department of Education (DOE) is required to develop a plan for school districts to establish academy programs in every public school, elementary, middle, and high school, where feasible, by January 2007. The bill does not define feasible. Also, it does not specify the number of programs that each school must offer or the number of students that can be assigned to each academy. The bill requires the DOE plan to be based on three factors: the requirement that students take core-curricula classes; the requirement of a waiver provision to exempt individual schools from the academy requirement; and the requirement that parents be able to move their child if they are unhappy with the program.

The bill grants parents the authority to transfer their child to another academy program or public school program within their school district if they are unhappy with the program or academy. Under this provision, school districts are also required to provide the transportation of such students to attend a school or an academy outside of their school zone, and will be reimbursed, if funding permits, from the Every Child Matters Program funds.

ACCOUNTABILITY

Background

In 1999, the Legislature enacted the A+ Education Plan for Education based on high performance standards and expectations for student performance, clear measurement and accountability, and state

³ s. 1011.68, F.S., Funds for student transportation.

support and assistance, and rewards and consequences for results.⁴ The basic provisions of the A+ Education Plan included annual student testing in grade 3 through 10, annual school report cards based upon student performance and progress, school recognition in the form of rewards for schools that improved student learning and maintained high performance and assistance for struggling schools, and school choice for parents of students in failing schools.

Over the years, the Legislature and the State Board of Education have continued to revise accountability measures in the following ways:

- Providing remediation and eliminating social promotion in 3rd grade for students who did not have the reading skills to succeed in the 4th grade.
- Increasing the requirements for high school graduation from an 8th grade level exit exam to a 10th grade level exam.
- Revising the ways that schools are graded by increasing writing standards and including students with disabilities and limited English proficient student's scores.
- Making reading instruction a primary focus in elementary years, providing reading coaches, and utilizing the latest in research-based reading.

Florida Comprehensive Accountability Test (FCAT)

The FCAT was developed in the mid-1990's. Writing was first administered in 1995, math and reading were first tested in 1997 and the test was first used for accountability in 1998. The FCAT was developed by teachers based upon Sunshine State Standards (SSS). The SSS were developed by educators from throughout the state and approved by the State Board of Education (SBE) in 1996 to provide expectations for student achievement in Florida. The SSS were written in seven subject areas, each divided into four separate grade clusters (preK-2, 3-5, 6-8, and 9-12) so that school districts had the flexibility in the design of their curriculum.

Florida currently requires public school students in grades 3 through 10 to take the reading and math portions of the FCAT each year. Students in grades 4,8, and 10 must also take the writing portions of the FCAT, and students in grades 5,8, and 10 must take the science portion of the FCAT. For students who do not attain minimum performance expectations on the 10th grade FCAT, the FCAT must be administered for up to three times each year.

In 1998-99, 51% of all 4th grade students, 23% of African American 4th grade students, and 38% of Hispanic 4th grade students were reading on grade level. In 2004-05, 71% of all 4th grade students, 56% of African American 4th grade students, and 66% of Hispanic 4th grade students were reading on grade level.

Florida leads the nation in 4th grade reading improvement and is competitive in its writing ranking. According to the National Assessment of Educational Progress⁵, in 1998-99, the 4th grade reading median score was 206. The median score in 4th grade reading for African American students and Hispanic students was 196 and 198, respectively. In 2004-05, the 4th grade reading median score was 218. The median score for African American 4th grade students on reading was 198 and the median score for Hispanic 4th grade students was 21. In 2003, Florida ranked 8th in the nation on 4th grade writing.

Student Progression and Remediation

Current law requires school districts to report to DOE the number and percentage of all students in grades 3 through 10 performing at Level 1 or 2 on FCAT reading, by grade, the number and percentage

⁴ ch. 99-398, L.O.F.

⁵ NAEP, a nationally renowned source, that provides state-level comparisons in the subject areas of reading, writing, mathematics and science, at grades 4 and 8. The assessments are given periodically, in a sample of schools, so the subject areas on which data are available vary from year to year. For more information -- <http://nces.ed.gov/nationsreportcard/about/>

of all students retained in grade 3 through 10, by grade, and the total number of students who were promoted for good cause, by each category of good cause.⁶

The percentage of 4th grade students scoring at achievement level 1 in reading has declined since 1999. In 1999, 60% African American students, 45% Hispanic students, and 23% white students were scoring level 1 in reading. In 2005, 25% African American students, 19% Hispanic students, and 9% white students were scoring level 1 in reading.

A total of 155,000 more students are reading on grade level in 2005 than in 2001. More specifically, 36,000 more African American, 64,000 more Hispanic students are, and 27,000 more Students with Disabilities are reading on grade level.

School Grading

Schools are graded annually and are identified as being one of the following:

- “A” making excellent progress,
- “B” making above average progress,
- “C” making satisfactory progress,
- “D” making less that satisfactory progress,
- “F” failing to make adequate progress.

School performance grade categories are based on a combination of student achievement scores, student learning gains as measured by FCAT assessments in grades 3 through 10, and the improvement of the lowest 25th percentile of students in reading, math, or writing, unless those students were performing above satisfactory. School performance grades of every school in the state of Florida are available online for public review and accountability.

In 1998-99, there were 202 “A” schools, 313 “B” schools, 1230 “C” schools, 601 “D” schools, and 76 “F” schools. In 2001, school grading was revised and the measurement of school grades was made more difficult by increasing writing standards and including students with disabilities and limited English proficient student’s scores. In 2004-05, there were 1255 “A” schools, 588 “B” schools, 619 “C” schools, 230 “D” schools, and 78 “F” schools.

High School Graduation Requirements

Florida has had graduation test requirements for over 25 years. Prior to the A+ Education Plan, the High School Competency Test (HSCT) was the test measurement used as the high school exit exam. The HSCT was an 8th grade level test and 10% of high school students did not receive a diploma solely because they could not pass the test, However, in 2002, the FCAT, a 10th grade level test, replaced the HSCT. In 2005, 7% of high school students did not receive a diploma because of nonpassage of the test.

Students may not graduate from high school with a standard diploma if they do not meet the required credits and grade point average(GPA) requirements, complete all district requirements, and pass the 10th grade FCAT in reading, writing, and mathematics, unless they are exempt or subject to a waiver of the assessment requirement. SBE rule designates the passing score for each part of the FCAT.

The graduation rates from 1998 to 2003-2004 have increased by 11.4% for all students, 8.6% for African Americans students, and 11.2% for Hispanic students. In 1998, the graduation rate for all

⁶ s. 1008.25(6)(b), F.S., provides for six good cause exemptions: 1) student with a disability that does not take the FCAT, 2) Limited English Proficient (LEP) student who has had less than 2 years of English for Speaker’s of Other Languages (ESOL) instruction, 3) student with a disability who takes the FCAT and has previously been retained, 4) any student with a reading deficiency who has previously been retained twice, 5) student demonstrates proficiency on an alternate assessment, or 6) student demonstrates proficiency through a student portfolio.

students was 60.2%. The graduation rates for African American students and Hispanic students were 48.7% and 52.8%, respectively. However, in 2004, the graduation rates of all students rose to 71.6%, and the graduation rates of African American and Hispanic students rose to 57.3% and 64%, respectively.

Florida School Recognition Program

The Florida School Recognition Program⁷ provides lottery-funded financial awards to public schools as a reward for performance. Schools that maintain a grade of "A" or improve one letter grade receive \$100 per student. In Fiscal Year 1998-1999, 319 schools shared \$27,603,881 million in School Recognition funds. In Fiscal Year 2004-05, 1425 schools shared \$117,190,888 million in School Recognition funds.

Funds may be used to reward faculty and staff, purchase educational equipment or materials, and hire temporary personnel. The school's staff and advisory council jointly determine the specific use of the funds. If no agreement is reached by November 1, the award is equally distributed to all classroom teachers currently teaching in the school.⁸

Funding

Public school funding, not adjusted for inflation, for Fiscal Year 1998-99 was \$4,836.73 per student. In Fiscal Year 2004-05, public school per student funding, not adjusted for inflation, increased to \$5,757.77. The total funds increased approximately \$3.96 billion from 1998-99 to 2004-05. Additionally, Supplemental Academic Instruction funds are provided for remediation of low-performing students. In 2005-06, \$670,341,490 was appropriated in SAI funds. SAI funds are designated to be used "in the most effective and efficient way to best help that student progress from grade to grade and to graduate."⁹

Effects of Proposed Changes

The bill requires that as part of the constitutional mandate to provide a "uniform, efficient, safe, secure, and high quality system of free public schools" the Commissioner of Education must adopt performance standards, set goals, and provide resources necessary to ensure that Florida ranks in the top half of the state-by-state education performance comparison compiled by the United States Department of Education.

Florida currently participates in the administration of the National Assessment of Education Progress (NAEP) test.¹⁰ Furthermore, current statutory law provides for a comprehensive student assessment program for public schools to improve public schools and to be accountable to public school parents. The student assessment program includes national education comparisons, a statewide assessment program, district testing programs, school testing programs, and required analyses by the Commissioner of Education.¹¹ The bill fails to identify the performance standards not already established in law, fails to articulate goals not already established in law, or identify resources different than those currently being utilized to carry out this mandate. This requirement could encourage the Commissioner of Education make student and school performance measures less stringent in order to meet such an obligation.

⁷ s. 1008.22, F.S.

⁸ Id.

⁹ s. 1011.62(1)(f), F.S.

¹⁰ s.1008.22(2), F.S.

¹¹ s. 1008.22, F.S.

The bill also requires the DOE to develop and implement an FCAT pretest to be administered during the first week of the new school year to assess the strengths and weaknesses of each student. SEE FISCAL COMMENT under STATE EXPENDITURES.

The bill revises the duties of the SBE so that they are required to intervene in the operation of a school district system when one or more of the schools in the school district have failed to make adequate progress for "2 school years in a 3 year period", rather than the current law requirement of a 4 year period. The bill also redefines "2 years in any 3-year period" and "2 years in a 3 year period" to mean that in any year a school has a performance grade category of "Inadequate progress." The bill removes the current school grading system of "A", "B", "C", "D", or "F" and replaces it with two undefined categories of "Inadequate" and "Adequate." The bill requires the SBE to define these terms.

Even though the bill does not define "Inadequate progress" it states that school cannot receive a performance category of "Inadequate" if the school or academy has an overall increase in student achievement of 10% in each subject area over the previous year or if it falls below its previous year's score but maintains "adequate" performance standards compared to other schools in the state. The failure of this bill to define certain terms leads to much uncertainty. For example, it is unclear as to whether a school needs to make a 10% improvement overall, or if it needs to be a 10% improvement in reading, math, writing, science, learning gains in reading, learning gains in math, and learning gains in the lowest 25th percentile. Whereas the DOE does collect and maintain data on reading, writing, mathematics, and science, the DOE does not maintain performance data on other subject areas such as history or music.

Although a system of labeling schools based on "adequate" or "inadequate" would be similar to the NCLB legislation, which states that a school is either making progress, or is not making progress, the current school grading system is understood. Parents understand what an "A", "B", "C", "D" and "F" mean. Equally important is that this bill allows for no gradation between schools; either schools will be passing or will not be passing. Currently, the school grading system gives parents information on their child's school. Under the "adequate" or "inadequate" system, parents will only know whether the school is passing or failing, not how well their child's school is doing. Under this proposed legislation, schools could potentially escape the "inadequate" designation even though they have failed to improve the student learning gains of their students attending their school. These schools would not be held accountable for their failure to educate their students.

The bill revises the designation of school performance categories so that an academy program or a school performance category designation of inadequate or adequate is based fifty-percent on the students' FCAT scores and fifty percent on other measures, where appropriate. The bill identifies the following measures: performance in non-FCAT courses; NAEP scores; dropout rates, retention; expulsions; attendance; delinquencies; school crime rate; effectiveness of Advanced Placement courses; Florida Bright Futures Scholarship Program awards; college acceptance rates; and rate of placement of vocational students in the workforce. However, the bill does not establish a method for a school district to use to measure this aggregate data.

Furthermore, the DOE cannot quantify graduation and retention rate data prior to the current year releases of school performance designations. NAEP data is not available at the student or school level because it is a random sample used as a state level measurement only. It is important to note that out-of-school suspensions, attendance (absent for more than 20 days), and drop out rates were all performance measures previously removed from the school grading system because the thresholds were so low that all schools met the criteria. Under this proposed legislation, it is possible that schools will be more likely to encourage less discipline and encourage more social promotion because their school performance designation depends on it.

The bill removes the School Recognition Program and replaces it with the Every Child Matters Program. By removing the school recognition fund program, school districts that make academic achievements and learning gains with their students will no longer get rewarded for their achievements.

The bill creates the Every Child Matters program, subject to Legislative appropriation, in order to provide a curriculum-based year-round measurement for all public school kindergarten students and for remediation and intervention services for K-12 students not meeting performance expectations. Under current law, all public school kindergarten students are required to participate in the statewide kindergarten screening tests.¹²

The bill directs the funds to be used for the administration of the Dynamic Indicators of Basic Literacy Skills (DIBELS) to all public school kindergartners, for nonrecurring expenditures for remediation of low-performing students, for educational equipment or materials to assist low-performing students, temporary personnel to assist the school with low-performing students, contracts with private sector participants for remediation services, and transportation of students to academy programs.

It is unclear as to how these funds, if appropriated, will be disbursed among school districts and whether or not the assistance will be disbursed equally among each of the required categories. Thus, students may not be able to receive the much needed assistance in reading because the school district has to share the funds programs for student transportation.

The bill also requires the DOE to provide training and informational resources for educators to administer the DIBELS. As previously stated, since 2003, all public school kindergarten students have been required to participate in the statewide kindergarten screening tests administered by each school district within the first 30 school days of each school year.¹³

C. SECTION DIRECTORY:

Section 1. Amends s. 1002.20, F.S., adding academy programs to public school choice options.

Section 2. Amends s. 1002.31, F.S., requiring districts to offer controlled open enrollment within the public schools; revising components of the programs.

Section 3. Creates s. 1002.391, F.S., creating the academy programs in public schools; requiring the Department of Education to develop a plan for the creation of the academy programs in public schools; authorizing the transfer of students to different academy programs; requiring school districts to provide transportation outside of their school zone; providing reimbursement for reasonable costs associated with student transportation.

Section 4. Amends s. 1008.22, F.S., requiring the Commissioner of Education to adopt performance standards, set goals, and provide resources so that Florida ranks in the top half of the state-by-state comparisons compiled by the United States Department of Education; requiring development and implementation of FCAT pretest.

Section 5. Amends s. 1008.33, F.S., revising requirements relating to State Board of Education enforcement of public school improvement; specifying academy and school performance categories.

Section 6. Amends s. 1008.34, F.S., revising provisions relating to the school and school district performance grading system; providing for performance grade categories for academy programs and schools; providing basis for category designations; providing school district tools for maintenance of high performing standards.

Section 7. Amends s. 1008.36, F.S., renaming School Recognition Program to Every Child Matters Program; revising intent, purpose, participation, and use of funds; requiring the department to provide training and resources for certain student testing by educators; requiring the department to establish

¹² s. 1002.69; statewide kindergarten screening; kindergarten readiness rates.

¹³ s. 1002.69; statewide kindergarten screening; kindergarten readiness rates.

policies and procedures for the development of individual education plans for low-performing students who need remediation and intervention services.

Section 8. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

FCAT PRETEST

The costs would be very similar to the current costs for administering the FCAT program. The current estimated cost per K-12 student is \$16.67 per year. Therefore, for example, the cost for developing, administering, and grading a pretest for Florida's 3rd graders (approx. 203,000 students) would be close to \$3.4 million annually. If all students (approx. 1.8 million) were required to take a pre-test, the cost would be over \$30 million annually.

TRANSPORTATION

Requiring school districts to provide transportation to all students in controlled open enrollment programs and to students attending academy programs within and outside of their school district will increase the district's expenditures for transportation. It is indeterminate how many students will participate in the controlled open enrollment program, the academies within their school district, or the academies and schools outside of their school district. However, because the school districts will have this new responsibility, there will be a substantial increase in state and local expenditures for transportation.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See FISCAL IMPACT ON STATE EXPENDITURES.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds.

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

2. Other:

It is unclear how funding of education from district-to-district under this bill would be uniform and equitable.

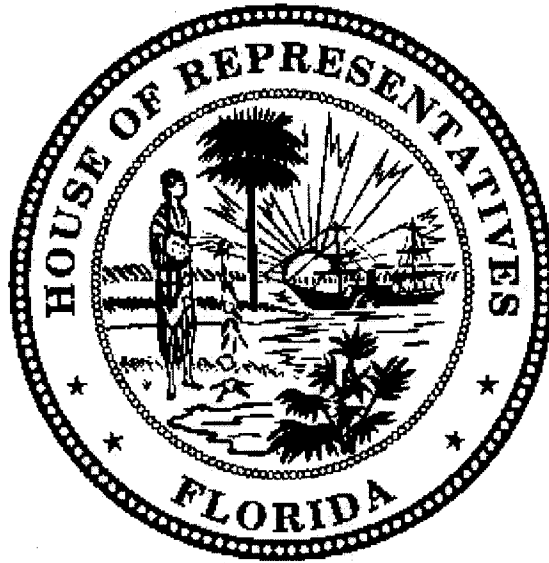
B. RULE-MAKING AUTHORITY:

The bill does not grant rule-making authority for the SBE for the development of the academy programs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES



**PreK - 12 Education
Committee
Addendum A**

**Meeting
Tuesday, March 21, 2006
2:15 — 5:15 p.m.
Morris Hall**



Florida House of Representatives

Allan G. Bense

Speaker

PreK-12 Education Committee

Ralph Arza, Chair

**Representative Loranne Ausley
Representative Ellyn Bogdanoff
Representative Marti Coley
Representative Frank Farkas
Representative Kenneth Gottlieb**

Joe Pickens, Vice Chair

**Representative Stan Mayfield
Representative Dave Murzin
Representative Curtis Richardson
Representative Trey Traviesa**

AGENDA

March 21, 2006

- I. Chairman's Opening Remarks**
- II. Consideration of the Following Bills:**
 - **HB 1221 District School Boards by Cannon**
 - **HB 945 Instructional Materials for Public Schools by Cretul**
 - **HB 481 Use of School District Millage by Poppell**
 - **HB 1377 District School Boards by Arza**
 - **HB 999 Suicide Prevention by Adams**
 - **HB 535 School Safety by Bogdanoff**
 - **HB 629 School Food Service Programs by Zapata**
 - **HB 1373 Supplemental Educational Services by Attkisson**
 - **HB 1427 Education by Bendross-Mindingall**
 - **HB 899 Regional Consortium Service Organizations by Richardson**
 - **HB 781 Public School Magnet Programs by Gottlieb**
 - **HB 1233 Early Learning by Ausley**
 - **HB 397 Veteran's Day by D. Davis**
- III. Chairman's Closing Remarks**
- IV. Adjournment**

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 481

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Committee
 2 Representatives Pickens and Traviesa offered the following:

Amendment

5 Remove line 119 and insert:

7 Section 3. This act shall take effect July 1, 2006, if
 8 House Joint Resolution 447 is adopted in the same legislative
 9 session.

===== T I T L E A M E N D M E N T =====

14 Remove line(s) 7 - 8 and insert:

16 limiting expenditures of operating revenues; providing a
 17 contingent effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- 22 2. Social exclusion;
- 23 3. Threat;
- 24 4. Intimidation;
- 25 5. Stalking;
- 26 6. Physical violence;
- 27 7. Theft;
- 28 8. Sexual or racial harassment;
- 29 9. Public humiliation; or
- 30 10. Destruction of property.

31 (b) "Harassment" means any threatening, insulting, or
32 dehumanizing gesture, use of data or computer software, or
33 written, verbal, or physical conduct directed against a student
34 or school employee that:

35 1. Places a student or school employee in reasonable fear
36 of harm to his or her person or damage to his or her property;

37 2. Has the effect of substantially interfering with a
38 student's educational performance, opportunities, or benefits;
39 or

40 3. Has the effect of substantially disrupting the orderly
41 operation of a school.

42 (c) Definitions in s. 815.03, F.S., relating to computer
43 crimes and s. 784.048, F.S., relating to stalking, are
44 applicable to this section.

45 (d) The terms "bullying" and "harassment" include:

46 1. Retaliation against a student or school employee by
47 another student or school employee for asserting or alleging an
48 act of bullying or harassment. Reporting an act of bullying or
49 harassment that is not made in good faith is considered
50 retaliation.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

51 2. Perpetuation of conduct listed in paragraph (a) or
52 paragraph (b), by an individual or group, with intent to demean,
53 dehumanize, embarrass, or cause physical harm to a student or
54 school employee, by:

55 a. Incitement or coercion;

56 b. Accessing or knowingly causing or providing access to
57 data or computer software through a computer, computer system,
58 or computer network within the scope of the district school
59 system; or

60 c. Acting in a manner that has an effect substantially
61 similar to the effect of bullying or harassment.

62 (3) By September 1, 2006, each school district shall adopt
63 a policy prohibiting bullying and harassment on school property,
64 at a school-related or school-sponsored program or activity, on
65 a school bus, or through the use of data or computer software
66 that is accessed through a computer, computer system, or
67 computer network within the scope of the district school system.
68 The school district policy shall not establish categories of
69 students but shall afford all students the same protection
70 regardless of their status under law. The school district shall
71 involve students, parents, teachers, administrators, school
72 staff, school volunteers, community representatives, and local
73 law enforcement agencies in the process of adopting the policy.
74 The school district policy must be implemented in a manner that
75 is ongoing throughout the school year and integrated with a
76 school's curriculum, a school's discipline policies, and other
77 violence prevention efforts. The school district policy must
78 contain, at a minimum, the following components:

79 (a) A statement prohibiting bullying and harassment.

80 (b) A definition of bullying and harassment.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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81 (c) A description of the type of behavior expected from
82 each student and school employee.

83 (d) The consequences for a person who commits an act of
84 bullying or harassment.

85 (e) The consequences for a person found to have wrongfully
86 and intentionally accused another of an act of bullying or
87 harassment.

88 (f) A procedure for reporting an act of bullying or
89 harassment, including provisions that permit a person to
90 anonymously report such an act. However, this paragraph does not
91 permit formal disciplinary action to be based solely on an
92 anonymous report.

93 (g) A procedure for the prompt investigation of a report of
94 bullying or harassment and the persons responsible for the
95 investigation. The investigation of a reported act of bullying
96 or harassment is deemed to be a school-related activity and
97 begins with a report of such an act.

98 (h) A process to investigate whether a reported act of
99 bullying or harassment is within the scope of the district
100 school system and, if not, a process for referral of such an act
101 to the appropriate jurisdiction.

102 (i) A procedure for providing immediate notification to
103 the parents of a victim of bullying or harassment of all local
104 agencies where criminal charges may be pursued against the
105 perpetrator.

106 (j) A procedure to refer victims and perpetrators of
107 bullying or harassment for counseling.

108 (k) A procedure for including incidents of bullying or
109 harassment in the school's report of safety and discipline data
110 required under s. 1006.09(6). The report must include each

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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111 incident of bullying and harassment and the resulting
112 consequences, including discipline and referrals. The report
113 must include in a separate section each reported incident of
114 bullying or harassment that does not meet the criteria of a
115 prohibited act under this section with recommendations regarding
116 such incidents. The Department of Education shall aggregate
117 information contained in the reports and submit an annual report
118 to the President of the Senate and the Speaker of the House of
119 Representatives by January 1.

120 (l) A procedure for providing instruction to students,
121 parents, teachers, school administrators, counseling staff, and
122 school volunteers on identifying, preventing, and responding to
123 bullying or harassment.

124 (m) A procedure for regularly reporting to a victim's
125 parents the actions taken to protect the victim.

126 (n) A procedure for publicizing the policy which must
127 include its publication in the code of student conduct required
128 under s. 1006.07(2) and in all employee handbooks.

129 (4) To assist school districts in developing policies for
130 the prevention of bullying and harassment, the Department of
131 Education shall develop model policies which must be provided to
132 school districts no later than July 1, 2006.

133 (5) A school employee, school volunteer, student, or parent
134 who promptly reports in good faith an act of bullying or
135 harassment to the appropriate school official designated in the
136 school district's policy and who makes this report in compliance
137 with the procedures set forth in the policy is immune from a
138 cause of action for damages arising out of the reporting itself
139 or any failure to remedy the reported incident.

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140 (6) (a) The physical location or time of access of a
141 computer-related incident cannot be raised as a defense in any
142 disciplinary action or prosecution initiated under this section.

143 (b) This section does not apply to any person who uses data
144 or computer software that is accessed through a computer,
145 computer system, or computer network when acting within the
146 scope of his or her lawful employment or investigating a
147 violation of this section in accordance with school district
148 policy.

149 (7) Distribution of safe schools funds to a school district
150 provided in the 2007-2008 General Appropriations Act is
151 contingent upon Department of Education approval of the school
152 district's bullying and harassment policy. Distribution of safe
153 schools funds provided to each school district in fiscal year
154 2008-2009 and thereafter shall be contingent upon school
155 district compliance with all reporting procedures contained in
156 this section.

157 (8) On or before January of each year, the Commissioner of
158 Education shall report to the Senate and House of
159 Representatives committees on education on the implementation of
160 this section. The report shall include pertinent data such as
161 incidences of bullying and harassment identified by the school
162 districts.

163 (9) Nothing in this section shall be construed to abridge
164 the rights of students or school employees that are protected by
165 the First Amendment to the Constitution of the United States.

166

167 Section 2. This act shall take effect upon becoming a law.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

170
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===== T I T L E A M E N D M E N T =====

On page 1, line 3 delete that line and insert:
F.S.; prohibiting bullying

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 Education shall authorize distribution of state one-to-one
24 matching funds to the school district which may be used for
25 personnel, supplies, student services, or other expenses
26 associated with the expansion of a magnet program as determined
27 in the grant application.

28 (3) The matching grant program shall be implemented to the
29 extent funds are appropriated in the General Appropriations Act
30 to the Department of Education for this purpose.

31 Section 2. This act shall take effect July 1, 2006.

32
33

34 ===== T I T L E A M E N D M E N T =====

35 Remove the entire title and insert:

36 A bill to be entitled

37 An act relating to public school magnet programs; creating
38 s. 1011.755, F.S.; creating a matching grant program to
39 enable school districts to establish magnet programs in
40 certain schools; providing for program administration;
41 requiring submission of proposals and distribution of
42 funds; providing for implementation to the extent funds
43 are appropriated; providing an effective date.

44

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0945

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12 Committee
2 Representative Cretul offered the following:

3

4 **Amendment (with title amendment)**

5 Remove line(s) 42-46 and insert:

6 2. During the first 2 years of the adoption cycle,
7 beginning with the 2006-2007 school year, purchase sufficient
8 textbooks to provide a classroom set of textbooks for use in
9 each core curriculum classroom in grades 6 through 8. The
10 purchase of textbooks pursuant to this subparagraph shall not
11 affect the issuance of textbooks to each student.

12

13 ===== T I T L E A M E N D M E N T =====

14 Remove line(s) 4 and 5 and insert:

15 district school boards to purchase and provide a classroom set
16 of textbooks for use in certain grade 6 through grade 8
17 classrooms; providing an

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 secondary school students who attend school in that county. The
24 pilot program shall provide school personnel in each
25 participating school the materials necessary for implementation.

26 (3) The parent of each student in a participating school
27 shall be provided with a copy of program information and a
28 screening form to assist the parent in the identification of
29 depression and suicidal tendencies and to help initiate family
30 discussions.

31 (4) By January 1, 2007, the district school board of each
32 participating county shall provide to the President of the
33 Senate and the Speaker of the House of Representatives a report
34 that includes an itemized list of program costs, an evaluation
35 of participating schools, an assessment of the quality of the
36 program components, an assessment of the safety of program
37 implementation, an assessment of the burden on school support
38 staff after implementation of the program, an assessment of the
39 efficacy of the program, and recommendations regarding program
40 effects and outcomes. The information shall be reported for the
41 pilot program in the aggregate, for each participating county,
42 and for each participating school in each participating county.

43 Section 2. The sum of \$600,000 is appropriated from the
44 General Revenue Fund to the Department of Education for the
45 2006-2007 fiscal year to be distributed to the Michael Buonauro
46 Foundation to implement the Signs of Suicide Prevention Program
47 as a pilot program for secondary schools in Brevard, Orange,
48 Osceola and Seminole Counties in accordance with this act. The
49 Michael Buonauro Foundation shall provide matching funds in the
50 amount of \$600,000 in order to receive the appropriation from
51 the General Revenue Fund.

52 Section 3. This act shall take effect July 1, 2006.
53

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1233

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12 Committee
2 Representative Ausley offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Early Learning Quality Incentives Study.--

10 (1) The Early Learning Advisory Council, in conjunction
11 with the Agency for Workforce Innovation, shall contract with
12 one or more nationally known experts on quality incentives and
13 rating systems to conduct a study that includes the following:

14 (a) Examination of existing early learning quality
15 incentives and rating systems in the state.

16 (b) Examination of early learning quality incentives and
17 rating systems in other states, including, but not limited to,
18 systems in North Carolina and Oklahoma.

19 (c) Recommendations for an early learning quality
20 incentives and rating system that includes uniform standards,
21 measures inputs and outputs, and provides financial incentives
22 for participating providers.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (d) Recommendations on the establishment, cost and
24 benefits of a quality incentive pilot program.

25 (2) The study shall seek input from representatives from
26 each of the following categories:

27 1. Large, medium, and small children's services councils
28 with an appropriate mix from urban and rural counties.

29 2. Large, medium, and small early learning coalitions with
30 an appropriate mix from urban and rural counties.

31 3. Early learning services providers.

32 4. Private child care provider associations.

33 5. Faith-based child care provider associations.

34 6. Community colleges and state universities with a child
35 care training component.

36 7. Parents who currently have children in an early
37 learning program.

38 (3) The Early Learning Advisory Council shall submit its
39 recommendations to the Governor, the President of the Senate,
40 and the Speaker of the House of Representatives by February 15,
41 2007.

42 Section 2. The Office of Program Policy Analysis and
43 Government Accountability shall conduct a study of the
44 administrative and operational structure of the Child Care
45 Services Program Office of the Department of Children and Family
46 Services that will include a review of all resources supporting
47 the office as well as a review of child care services offices in
48 other states. The findings of the study shall include a
49 recommendation regarding the appropriate administrative and
50 operational structures and the appropriate state agency to
51 administer child care regulation functions. The study shall be
52 submitted to the Governor, the President of the Senate, and the
53 Speaker of the House of Representatives by February 15, 2007.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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54 Section 3. The Office of Program Policy Analysis and
55 Government Accountability, in cooperation with the Early
56 Learning Advisory Council, shall conduct a study of the
57 effectiveness of the Child Care Executive Partnership Act,
58 section 409.178, Florida Statutes, including but not limited to
59 a comparison of the funds expended and the return on investment,
60 and shall provide recommendations in a report to the Governor,
61 the President of the Senate, and the Speaker of the House of
62 Representatives by February 15, 2007.

63 Section 4. This act shall take effect upon becoming a law.

64
65

66 ===== T I T L E A M E N D M E N T =====

67 Remove the entire title and insert:

68 A bill to be entitled

69 An act relating to early learning; requiring a study by
70 the Early Learning Advisory Council in conjunction with
71 the Agency for Workforce Innovation; establishing study
72 requirements; requiring recommendations to the Governor
73 and Legislature; requiring the Office of Program Policy
74 Analysis and Government Accountability to study the
75 administration and regulation of child care services;
76 requiring recommendations to the Governor and Legislature;
77 requiring the Office of Program Policy Analysis and
78 Government Accountability, in cooperation with the Early
79 Learning Advisory Council, to study the effectiveness of
80 the Child Care Executive Partnership Act; requiring
81 recommendations to the Governor and Legislature; providing
82 an effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1373

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12

2 Representative Attkisson offered the following:

3
4 **Amendment**

5 On page 11, remove lines 281 through 294 and insert:

6
7 LEAs may redesignate unused SES funds for other Title I purposes
8 by the May 15 consolidated application budget amendment deadline
9 by ensuring that a minimum of 50 percent of the students
10 eligible to receive SES are served by an approved provider. LEAs
11 not meeting the 50 percent requirement shall submit to the
12 department a list of eligible students, students receiving
13 services, and otherwise eligible students on a wait list. LEAs
14 must obtain documentation from the parents of unserved, but
15 otherwise eligible, students that they decline to participate in
16 SES for that school year. LEAs that are unable to meet the 50
17 percent requirement despite reasonable efforts to comply with
18 these provisions may submit a request to the Department of
19 Education for authorization to redesignate unused SES funds.
20 Redesignation requests shall be approved if the Department finds

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 that the LEA has met the requirements of subsection (2)(a)8 of
22 this section.

23

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1377

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12 Committee
2 Representatives Baxley, Jennings, Kyle, Murzin and Stargel
3 offered the following:
4

5 **Amendment with title amendment**

6 Remove everything after the enacting clause and insert:
7 Be It Enacted by the Legislature of the State of Florida:
8
9

10 Section 1. Paragraph (b) of subsection (1) of section
11 1001.43, Florida Statutes, is amended to read:
12

13 1001.43 Supplemental powers and duties of district school
14 board.--The district school board may exercise the following
15 supplemental powers and duties as authorized by this code or
16 State Board of Education rule.

17 (1)(b) Require uniforms to be worn by the student body, or
18 impose other dress-related requirements, if the district school
19 board finds that those requirements are necessary for the safety
20 or welfare of the student body or school personnel. However,
21 students may wear sunglasses, hats and other sun-protective wear
22 while outside during school hours, such as when students are at
23 recess.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

24
25 Section 2. New subsections (5) and (6) are added to
26 section 1003.02, Florida Statutes, to read:

27
28 1003.02 District school board operation and control of
29 public K-12 education within the school district.--As provided
30 in part II of chapter 1001, district school boards are
31 constitutionally and statutorily charged with the operation and
32 control of public K-12 education within their school district.
33 The district school boards must establish, organize, and operate
34 their public K-12 schools and educational programs, employees,
35 and facilities. Their responsibilities include staff
36 development, public K-12 school student education including
37 education for exceptional students and students in juvenile
38 justice programs, special programs, adult education programs,
39 and career education programs. Additionally, district school
40 boards must:

41 (5) (a) If selecting a vendor to market class rings to
42 students, select a vendor that does not intimidate students with
43 respect to the purchase of class rings or discriminate against a
44 student who purchases a class ring from another vendor by
45 excluding the student from participating in any ceremony or
46 activity relating to the receipt of a class ring.

47 (b) Notify in writing each student and his or her parent
48 that the student may purchase his or her class ring through any
49 vendor regardless of the fact that the district school board may
50 contract with a vendor for marketing class rings. The
51 notification must include an explanation of the right of each
52 student purchasing a class ring to participate in any ceremony
53 or activity relating to the receipt of a class ring.

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54 (6) If entering into a contract with a photographer for
55 the purpose of taking student yearbook photographs, allow a
56 student's senior photograph to appear in the yearbook when taken
57 by a photographer not under contract with the district school
58 board if the photograph meets the reasonable specifications of
59 the yearbook staff for senior photographs.

60
61 Section 3. Subsection (1) of section 1006.22, Florida
62 Statutes, is amended to read:

63 1006.22 Safety and health of students being
64 transported.--Maximum regard for safety and adequate protection
65 of health are primary requirements that must be observed by
66 district school boards in routing buses, appointing drivers, and
67 providing and operating equipment, in accordance with all
68 requirements of law and rules of the State Board of Education in
69 providing transportation pursuant to s. 1006.21:

70 (1)(a) District school boards shall use school buses, as
71 defined in s. 1006.25, for all regular transportation. Regular
72 transportation or regular use means transportation of students
73 to and from school or school-related activities that are part of
74 a scheduled series or sequence of events to the same location.
75 "Students" means, for the purposes of this section, students
76 enrolled in the public schools in prekindergarten disability
77 programs and in kindergarten through grade 12. District school
78 boards may regularly use motor vehicles other than school buses
79 only under the following conditions:

80 1.(a) When the transportation is for physically
81 handicapped or isolated students and the district school board
82 has elected to provide for the transportation of the student
83 through written or oral contracts or agreements.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

84 ~~2.(b)~~ When the transportation is a part of a comprehensive
85 contract for a specialized educational program between a
86 district school board and a service provider who provides
87 instruction, transportation, and other services.

88 ~~3.(e)~~ When the transportation is provided through a public
89 transit system.

90 ~~4.(d)~~ When the transportation is for mid-day trips to and
91 from school sites or agricultural education sites or for trips
92 to and from agricultural education-related events or
93 competitions. When the transportation of students is necessary
94 or practical in a motor vehicle owned or operated by a district
95 school board other than a school bus, such transportation must
96 be provided in designated seating positions in a passenger car
97 not to exceed 8 students or in a multipurpose passenger vehicle
98 designed to transport 10 or fewer persons which meets all
99 applicable federal motor vehicle safety standards. Multipurpose
100 passenger vehicles classified as utility vehicles with a
101 wheelbase of 110 inches or less which are required by federal
102 motor vehicle standards to display a rollover warning label may
103 not be used.

104
105 ~~When students are transported in motor vehicles, the occupant~~
106 ~~crash protection system provided by the vehicle manufacturer~~
107 ~~must be used unless the student's physical condition prohibits~~
108 ~~such use.~~

109 (b) When the transportation of students is provided, as
110 authorized in this subsection, in a vehicle other than a school
111 bus that is owned, operated, rented, contracted, or leased by a
112 school district or charter school, the following provisions
113 shall apply:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

114 1. The vehicle must be a passenger car or multipurpose
115 passenger vehicle or truck, as defined in Title 49 C.F.R. part
116 571, designed to transport fewer than 10 students. Students must
117 be transported in designated seating positions and must use the
118 occupant crash protection system provided by the manufacturer
119 unless the student's physical condition prohibits such use.

120 2. An authorized vehicle may not be driven by a student on
121 a public right-of-way. An authorized vehicle may be driven by a
122 student on school or private property as part of the student's
123 educational curriculum if no other student is in the vehicle.

124 3. The driver of an authorized vehicle transporting
125 students must maintain a valid driver's license and must comply
126 with the requirements of the school district's locally adopted
127 safe driver plan which includes review of driving records for
128 disqualifying violations.

129 4. The district school board or charter school must adopt
130 a policy that addresses procedures and liability for trips under
131 this paragraph, including a provision that school buses are to
132 be used whenever practical and specifying consequences for
133 violation of the policy.

134

135 Section 4. This act shall take effect July 1, 2006.

136

137

138 ===== T I T L E A M E N D M E N T =====

139

140 Remove the entire title and insert:

141

142

143

144

145

146

147

148

A bill to be entitled
An act relating to district school boards; amending s.
1001.43, F.S.; allowing students to wear sun-protective
items while outside during school hours; amending s.
1003.02, F.S.; requiring each district school board that
selects a vendor to market student class rings to select a
vendor that meets certain criteria; requiring each

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

149 district school board to notify students and parents that
150 the purchase of a class ring may be through any vendor
151 marketing class rings and that a student may participate
152 in related ceremonies or activities regardless of the
153 vendor through which the purchase was made; authorizing
154 district school boards to contract with photographers for
155 the purpose of taking student yearbook photographs;
156 permitting the inclusion of certain photographs; amending
157 s. 1006.22, F.S.; revising provisions for district school
158 board transportation of students in vehicles other than
159 school buses; authorizing use of such vehicles for mid-day
160 trips and other trips to and from certain sites and
161 activities; revising criteria for such vehicles and their
162 use; requiring district school boards and charter schools
163 to adopt a policy that addresses procedures and liability
164 for trips using vehicles other than school buses;
165 providing an effective date.

166

167

168