

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/CS/HB 7029, Engrossed 1 (CS/SB 1166)

INTRODUCER: Education Committee; Education Appropriations Subcommittee; Choice and Innovation Subcommittee; and Reps. Cortes, B., Diaz, M., and others (Appropriations Committee and Senator Gaetz)

SUBJECT: School Choice

DATE: March 11, 2016

I. Amendments Contained in Message:

House Amendment 1 – 635159 to Senate Amendment 1 – 550680 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 retains the following provisions from Senate Amendment 1:

- **District School Boards.** Permits the proration of dues paid to membership associations, authorizes school board members to visit schools in their districts, and allows returning retirees to be rehired in the same manner as new teachers are employed.
- **Parent Information and Options.** Enables a parent to request a different classroom teacher for his or her child, clarifies student notification requirements pertaining to the pledge of allegiance, and defers calculation of VPK readiness rates for an additional year pending additional data.
- **Open Enrollment.** Enables students, beginning in the 2017-2018 school year, to attend any public school in the state, including charter schools, subject to maximum class size requirements, capacity and other specified provisions.
- **Charter Schools.** Expands options pertaining to charter school accountability and flexibility.
 - **Accountability:** Requires specific information in the application process; requires monthly financial statements upon execution of the charter contract; prohibits charter schools from basing admission or dismissal on a student's academic performance; creates requirements when a charter school voluntarily closes; automatically terminates double-F charter schools; requires annually a specified number of charter school meetings to be held in the school district where the charter school is located; provides that a charter school must be located in Florida to be eligible to receive PECO; and revises reading requirements to shift to evidence-based reading and provide parents with information concerning reading deficiencies.
 - **Flexibility:** Authorizes charter schools to seek an injunction to enforce existing requirements for local governments to treat charter schools equitably as compared to public schools; authorizes charter school governing board members to attend meetings via communications media technology; revises first quarter funding methods for charter schools, with specified payment times and amounts; prohibits districts from delaying the

- issuance of funds, including local funds; clarifies that an existing charter school that is seeking to become a virtual charter school must amend its application or submit a new application; and expands charter school in a municipality enrollment preferences.
- Choice Options. Expands options pertaining to the credit acceleration program (CAP), provides options to meet online graduation requirements, and updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test.
 - Extracurricular Activities. Provides district school boards with responsibility to determine (in student code of conduct) student eligibility requirements and subsequent disciplinary actions through suspension and expulsion policies, enables students to be immediately eligible to try out for athletic activities under certain conditions, specifies restrictions for same sport participation in a subsequent school, allows private schools to join the Florida High School Athletic Association (FHSAA) by sport (and public schools to do same per FHSAA approval), specifies 3 tiers of increased penalties for recruiting violations, specifies remaining duties of the FHSAA, and revises the FHSAA's burden of proof from "clear and convincing" to a "preponderance of the evidence" (not applicable to student eligibility).
 - School Funding. Revises minimum term school funding provisions to prorate FTE for schools that provide less than 900 hours of instruction (e.g., public schools, double-session schools, experimental calendar schools, and emergency conditions), authorizes recalculation of the ESE guaranteed amount for school districts, provides funds to school districts for federally connected students, authorizes performance funding for certain CAPE industry certifications, increases teacher bonuses for CAPE industry certifications, and requires a school district to add 4 special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.
 - Educator Professional Preparation and Development. Authorizes charter schools to offer education competency and professional preparation for instructional personnel.
 - Postsecondary Education. Creates, re-enacts and amends various education and funding and scholarship programs.
 - Distinguished FCS Program. Creates program as a collaborative partnership between the State Board of Education (SBE) and the Legislature to recognize the excellence of Florida's highest-performing Florida College System (FCS) institutions. Establishes 7 excellence standards; requires the SBE to designate each FCS institution that meets 5 of 7 standards as a distinguished college; and permits funding as provided in the General Appropriations Act.
 - College Performance Funding. Re-enacts performance-based incentive funding program to award FCS institutions for attaining metrics adopted by the SBE. Beginning in 2017-2018, the ability of an institution to submit an improvement plan to the SBE.
 - SUS Performance Funding. Extends the State University System (SUS) performance-based incentive funding program to award SUS institutions for attainment of metrics adopted by the Board of Governors (BOG).
 - SUS Preeminence. Modifies standards that apply to Preeminent State Research Universities and creates standards and benefits for "Emerging Preeminent State Research Universities."
 - Renames the "Florida National Merit Scholar Incentive Program" to the "Benacquisto Scholarship Program", and requires all eligible state universities (and encourages all eligible Florida public or independent postsecondary educational institutions) to become college sponsors of the National Merit Scholarship Program.
 - Codifies the Adults with Disabilities Workforce Education Program.

House Amendment 1 amends the following provisions in Senate Amendment 1:

- **Charter Schools Capital Outlay.** Retains the Senate’s position deleting priority preferences and clarifying financial stability requirements for charter school capital outlay. However, removes the Senate’s provisions that prohibited personal enrichment and established a weighted funding model for state charter school capital outlay funds; and changed from 3 to 2 years the length of time a charter school must be in operation to be eligible for capital outlay funding.
- **Controlled Open Enrollment.** Revises home education program and Florida Virtual School student options so the student may participate in an extracurricular activity at the public school the student would be assigned, or could choose to attend, pursuant to controlled open enrollment. Makes optional, instead of mandatory, charter school enrollment preferences as part of controlled open enrollment.
- **Special Facilities.** Retains the Senate’s language with modifications that require EDR, rather than OPPAGA, to conduct the study of cost per student station amounts using the most recent information on construction costs.
- **Youth Suicide Awareness and Prevention.** Retains the Senate’s language establishing the program. However, replaces DOE’s requirement to incorporate 2 hours of training in youth suicide awareness and prevention into existing training requirements with a requirement for DOE develop a list of approved suicide awareness and prevention training materials that may be used for training, allows a school the option (verses required) to incorporate 2 hours of such training for instructional personnel, creates a new designation of “Suicide Prevention Certified School” for schools that incorporate such training, and requires a school participating in the training to report its participation to the Department of Education.
- **Pledge of Allegiance.** Clarifies existing law to provide that students must show full respect for the flag by standing at attention and removing headdress, except for religious purposes; however, upon a parent’s request a student may be excused from standing and saying the pledge of allegiance.

House Amendment 1 adds the following provisions to Senate Amendment 1:

- Requires high-performing charter schools to continually meet the same requirements for initial eligibility and annual continuing eligibility.
- Requires the Division of Vocational Rehabilitation (DVR) to develop and implement a performance improvement plan to achieve specified goals and elevate the state VR program to one of the top 10 in the nation, and to annually submit a performance report with specified data to the Governor and the Legislature (substance of SB 962 by Sen. Gaetz).
- Requires each state university board of trustees to select its chair and vice chair from the appointed members, with specified term limits, and publish notification requirements regarding attendance and meeting materials.
- Expands public school reading requirements relating to interventions and instructional supports for students in kindergarten through grade 3 who are identified as having a substantial reading deficiency, as well as, teacher certification and training requirements relating to specialized reading competencies.
- Creates the Seal of Biliteracy Program to recognize high school graduates who attain a high level of competency in foreign languages.