

2016 PRE-SESSION UPDATE

As you remember, the 2015 regular legislative session ended three days early, which led to a series of "Special" Sessions. The budget was not decided until June. Because the session ended early, many bills passed on one side or the other but were left "unpassed" by the full legislature. Many of these ideas, mainly in the House, have resurfaced in the committee weeks leading up to the start of the regular 2016 session. Many consider them unfinished business. We can expect these ideas to be moved quickly to the floor as much of the discussion on these issues was completed last spring. Although much of the last three months was spent on Congressional and Senate redistricting, many of the issues were waiting for attention.

The 2016 Florida Legislative Session will begin on January 12 and is scheduled to adjourn on March 11, 2016.

The Senate has been much less active in considering education issues. The Education Committee even discussed having two meetings per week during the 2016 regular session to catch up on proposals. The Senate will have the opportunity to react to the many ideas expected to be presented to them from the House.

CHOICE ISSUES:

Charter Schools: The House is rapidly looking at many bills that passed through committee or the full House, but did not become law. The Senate has not heard any charter school bills but the House Subcommittee on Choice and Innovation passed PCB 16-01. The staff analysis of the bill provides the following changes in charter school law by:

- Clarifying that a sponsor shall consider a charter school applicant's governing board members and any education services provider's past performance operating charter schools when deciding to approve or deny an application.
- Authorizing a charter school that has been granted a charter to defer opening for up to two years to conduct facilities planning.
- Requiring charter schools to begin submitting monthly financial statements upon approval of the charter contract to enable the sponsor to begin monitoring the school's financial health earlier in time.
- Clarifying that charter schools that earn two consecutive grades of "F" are automatically terminated.
- Removing the limit on replication of high-performing charter schools if the charter school is created to serve high-need areas or school district needs.
- Prohibiting a charter school with financial emergency conditions noted in its most recent annual audit from receiving capital outlay funding.

- Creating a High-Impact Charter Network status for charter operators serving educationally disadvantaged students, defining eligibility criteria, and providing incentives for qualifying operators.
- Authorizing a high-performing charter school to submit an application to replicate its school to the Florida Institute for Charter School Innovation.
- Prohibit the sponsor from delaying payments to charter schools based upon the timing of receipt of local funds.
- The bill creates the Florida Institute for Charter School Innovation to provide technical assistance and support to charter school applicants and sponsors; conduct research on policy and practice related to charter school authorizing, accountability, instructional practices, finance, management, and operations; approve replication of high-performing charter schools to contract with district school boards and provide opportunities for aspiring teachers to experience teaching in schools of choice.

The bill would allow high performing charter schools to apply to the Florida Institute for Charter School Innovation to establish and operate a new charter school that would substantially replicate its high performing program, thereby bypassing the local school board for that decision.

Enrollment: Bills that would empower parents to enroll their children in any school in the district or even across district lines will be given a hearing. Bills have been filed but not yet heard that would allow parents to enroll their children in any school within a district with the capacity to accept them, and even in any school in other districts.

Athletic and Extracurricular Activities: House PCB EDC 16-01 makes major changes impacting the Florida High School Activities Association (FHSAA) and the participating schools. The bill:

- Authorizes schools to join the FHSAA on a per-sport basis.
- Prohibits the Association from discriminating against its member schools that join other associations.
- Requires the FHSAA provide an opportunity to resolve eligibility determinations through an informal conference as a first effort. It must provide for a cost effective and timely neutral third party review of unresolved eligibility issues. A student athlete may not be declared ineligible until the neutral third party review is complete. Proceedings must be conducted in the student's home district.
- The bill provides a new student friendly appeals process.
- The bill provides for a detailed system of fines for recruitment by an adult or school who breaks FHSAA rules.

The bill also addresses **extracurricular activities**. Changes include the following:

- Public school students, home education students, and private school students are eligible to participate in any extracurricular activity not offered by the student's current "school" at any public school in the district in which the student resides, or in or a public school in another district. District attendance policies are not enforceable. Transfer students are not limited to the school to which the student would be assigned according to district school board attendance area policies. Parents must provide transportation.
- Students who transfer before or during the first semester are automatically eligible if the student has a successful evaluation from the previous school year.

READING: House Bill 7021 has passed the House Education Appropriations Committee. This is a major re-write of reading law. The bill, among other things,

- Requires the Just Read Florida office to provide training in specific strategies.
- Requires school districts to use core and supplemental intervention materials identified by the Just Read Office.
- Requires districts to initiate interventions before a student receives a failing grade in reading.
- Requires teacher preparation programs to provide explicit, systematic, and multisensory reading strategies.
- Extends the existing early warning system to cover students in grades K-5.
- Requires teachers who teach retained third-graders to hold a reading certificate or endorsement.
- Requires additional reporting and communication with parents.
- Restores language requiring third grade students who are retained for the second time to receive uninterrupted reading instruction for the majority of student contact time each day
- Requires that the 90-minute reading block for retained third-graders must integrate texts in science and social studies.

This does not address the current mandate for an extra hour of reading instruction for students in the 300 lowest performing elementary schools in reading. This proposal may be the House alternative to that mandate.

SCHOOL BOARD AUTHORITY: Several efforts have been proposed that would erode existing school board authority. One is mentioned above in the charter schools bill. Another filed bill has been filed on each side proposing constitutional amendment to change the basic structure of educational School Board governance. Constitutional amendments may be placed on the ballot with a three-fifths vote of the legislature. Once on the ballot, proposed amendments must pass by at least 60% of those voting. The proposal reads in part as follows:

Senate-House Joint Resolution: A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution to provide that a school district may be established or abolished as provided by law and to provide for the election or designation of a school board.

Be It Resolved by the Legislature of the State of Florida: That the following amendment to Section 4 of Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

SECTION 4. School districts; school boards.

(a) As provided by general or special law, any contiguous area of the state, whether a each county or a municipality, may shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district.

(b) ~~Each school district shall be governed by a school board. there shall be A school board shall be~~ composed of five or more members chosen by vote of the electors in an a nonpartisan election for appropriately staggered terms of four years, as provided by law, unless, by general or special law, the governing body of a county or municipality constitutes the school board

(c) A school district may be abolished by general or special law. The operation, control, and supervision of all free public schools within a school district abolished pursuant to this subsection shall be prescribed by general or special law, and the determination of the rate of school district levies in such an abolished school district shall be prescribed pursuant to general law

BEST AND BRIGHTEST TEACHER “SCHOLARSHIPS”: This program was created and funded at \$1.1 million last year but not put into statute. It provided up to \$10,000 “scholarships” for teachers rated highly effective and with SAT or ACT scores at or above the 80th percentile at the time the test was taken. This has passed the House Education Committee as part of PCB EDC 16-03.

STANDARDIZED STUDENT ATTIRE SUPPLEMENT: HB 7011: This bill passed the House Education Committee Appropriation Subcommittee. It seeks to put into statute this idea that was passed as part of a conforming bill last year. This also passed the House Education Committee as part of PCB EDC 16-03.

From the staff analysis: “It creates the “Students Attire for Education (SAFE) Act” and enumerates the benefits of a standard student attire policy and consequently removes the requirement that school boards individually make such findings. The bill encourages district school boards and charter schools to enact a policy requiring standard student attire in at least kindergarten through eighth grade by

providing immunity from civil liability based upon adoption of the policy and providing additional funds to school boards that enact a standard student attire policy. Funding of \$10 per student in kindergarten through eighth grade is provided for qualifying districts.”

GUNS: Bills allowing guns on college campuses have been heard in committees in both the House and Senate. The bills relating to the K-12 system have not yet been heard.

PROPERTY TAXES: K-12 education funding has always been provided through a combination of state funds (general revenue, lottery, state school trust funds) and local funds. The ratio of state to local funds has varied from year to year. With the Governor’s recommendation to provide an increase of only \$80 million in state funds and asking the local school boards to provide another \$427 million, the issue has become a major concern of both House and Senate. This discussion will probably continue throughout most of the session until an agreement is reached the Appropriations Bill.

JUVENILE RECORDS: Bill allowing for the automatic expunction of student juvenile records have moved in both House and Senate committees. The bills also provide for an application process to expunge juvenile records

ACCOUNTABILITY: There have been no proposals discussed in any committee that would go beyond the changes in HB 7069 that passed last year. School grades will be released in February and the School Recognition funds will be distributed unless there is quick and unexpected action by legislature.