

MEMORANDUM

February 1, 2006

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

FROM: Rudolph F. Crew, Superintendent of Schools *RFC*

SUBJECT: **FLORIDA ASSOCIATION OF DISTRICT SCHOOL SUPERINTENDENTS (FADSS)
UPDATE – WEEK OF JANUARY 23-26, 2006**

Attached please find a copy of the legislative update prepared by Ms. Joy Frank, Legal Counsel for the Florida Association of District School Superintendents (FADSS), covering Interim Committee Week of January 23-26, 2006.

Should you have any questions, please contact Mr. Alberto M. Carvalho, Associate Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Services at 305 995-2532.

RFC/AMC:lbd
M1010

Attachment

cc: Superintendent's Cabinet
School Board Attorney
Dr. Magaly C. Abrahante
Ms. Iraida R. Mendez-Cartaya
Dr. Linda Brown

January 27, 2006

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank

RE: Interim Committee Meetings – January 23 – 26, 2006

General Information

The House and Senate held interim committee meetings this week. As in the past, most committees heard various presentations, though a few bills were considered by committees or workshopped. Below is a summary of the pertinent bills.

Senate Education Committee

SB 772 by Senator Constantine relates to school attendance. The bill authorizes district school boards to increase the age of compulsory school attendance from 16 to 18 years of age and provides an exception to such a policy for a student who is 16 years old or older who provides a formal declaration signed by the student and his or her parent.

The bill requires attendance records to include student tardiness information, provides that a parent will be responsible for his or her child's tardiness, and makes the district school superintendent responsible for enforcing attendance policies regarding tardiness. The bill authorizes the district school superintendent to file a truancy petition under certain circumstances. The bill makes optional the current requirement for a school representative to visit the home or residence of a student or any other place in which he or she is likely to find a student who is absent during school hours without an excuse.

According to the staff analysis, the initial operating and capital costs for increasing the compulsory school age from 16 to 18 is estimated to be \$311.1 million including district operational and student station costs. After facilities requirements have been met, there would be a recurring annual operating cost of approximately \$89 million.

In addition to the current FTE allocation and student station costs above, information gained from a pilot program in Manatee County indicates that costs related to this particular population of students would include the funding to support additional truancy and retrieval activities, alternative education programs to address the special needs of these students, and a comprehensive truancy program involving the court system and local law enforcement.

The bill passed the committee favorably with no amendments.

SB 256 by Senator King relates to scholarship programs. The bill makes several changes to improve the fiscal and academic accountability in the John M. McKay Scholarships for Students with Disabilities Program and the Corporate Tax Credit Scholarship Program.

Changes to the McKay Scholarship Program include the following:

- Redefining the criteria for students who are eligible to participate in the program including providing for the eligibility of students from the Florida School for the Deaf and the Blind.
- Revising the eligibility requirements for participating private schools to include annual registration of schools, a notarized sworn compliance statement, and evidence of criminal background checks of certain employees and officers.
- Revising the criteria for forfeiture of a student's scholarship.
- Clarifying the obligations of school districts, private schools, and program participants. Providing the Department of Education (DOE) with additional authority and responsibilities for administering the program, including sanctions for private schools that fail to comply with the requirements in law.
- Requiring audits of the program by the Auditor General.
- Revising the fiscal soundness requirements to require private schools to be in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the Department of Education.
- Requiring each scholarship student to participate at least annually in a student assessment.
- Requiring private schools to accept scholarship students on a religious-neutral basis.

Changes to the Corporate Tax Credit Scholarship Program (CSP) include the following:

- Reducing the amount of credit set aside for small businesses from 5 percent to one percent.
- Deleting the provision that forbids a taxpayer from contributing more than \$5 million to any single eligible scholarship-funding organization (SFO) in a given year.
- Requiring a SFO to obligate, rather than spend in the same fiscal year in which the contribution was received, 100 percent of the contributions to provide scholarships provided that up to 5 percent of the total contributions may be carried forward for scholarships to be granted in the following fiscal year.
- Requiring a nonprofit SFO to file its audit with the Auditor General and the DOE within 180 days after completion of the SFO's fiscal year. Requiring an SFO to obtain verification of student attendance at a private school. Providing for the transfer of funds, with prior approval by the Department of Education, to another eligible SFO if additional funds are needed to meet scholarship demand.
- Prohibiting a SFO from commingling funds and drawing upon a line of credit to fund scholarships.

- Requiring a SFO to conduct income eligibility verification of students.
- Requiring criminal background checks of certain employees and officers of SFOs and private schools.
- Eliminating certain private schools such as correspondence schools and distance learning from the list of eligible private schools under the CSP program.
- Allowing private schools to demonstrate fiscal soundness by being in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the Department of Education.
- Requiring a private school to employ or contract with certain qualified teachers.
- Prohibiting a home school from participating in the program. Requiring a private school to annually administer or make provisions for scholarship students to take a nationally norm-referenced test that compares to the Florida Comprehensive Assessment Test (FCAT).
- Requiring a private school to report to DOE and to scholarship applicants whether certain state or regional accrediting associations accredit the school and, if so, the name of the accrediting association.
- Allowing current scholarship students to continue participating in the CSP program if parental income exceeds the current eligibility requirements, as long as the income does not exceed 200 percent of the federal poverty level.
- Prohibiting a student from simultaneously receiving a scholarship under the McKay Program or the Opportunity Scholarship Program while receiving a CSP scholarship.
- Requiring a participating private school to accept students on a religious-neutral basis.
- Requiring the DOE to revoke the eligibility of SFOs, private schools, and students who fail to meet the requirements of the CSP program.
- Requiring a public university to report year-to-year improvements in student performance without disclosing a student's identity.

The bill passed the committee with amendments.

House Education Choice & Innovation Committee

HJR 447 by Rep. Pickens relates to Class Size Requirements and Classroom Instruction Expenditures. The joint resolution proposes to amend Section 1 of Article IX of the Florida Constitution relating to public education.

The joint resolution moves the date required for full compliance with the constitution's class size reduction requirement from the beginning of the 2010 school year to the beginning of the 2009-10 school year. The joint resolution amends the method by which class size compliance is calculated so that class size is calculated by district average with no individual classroom having a teacher to student ratio of more than five students over the current constitutional cap. Furthermore, the joint resolution revises the current amendment to state that class size compliance is calculated according to teacher-student ratio rather than teacher-classroom ratio.

The joint resolution requires that by the beginning of the 2009-10 school year and for each subsequent school year all school districts are required to expend at least sixty-five percent of total funds received by school districts for operational expenditures for purposes directly related to classroom instruction. The joint resolution provides the governor with the authority to grant, partially grant, or deny a temporary waiver by a school district of the class size or the classroom instruction expenditure requirements in exceptional circumstances.

The joint resolution will have an indeterminate fiscal impact; however, there will be costs relating to placing the joint resolution on the ballot and publishing required notices.

If the joint resolution is passed in the 2006 Legislative Session, the proposed amendment would be placed before the electorate at the 2006 general election, and if adopted will take effect January 2, 2007.

The joint resolution passed the committee along party lines. The next step is the House Education Appropriations Committee. It is expected to be taken up during the last week of committee meetings in February.

House Criminal Justice Committee

PCB CRJU 06-03 relates to Criminal Background Screening for Contractual School Personnel. The committee workshopped this proposed legislation and the final product is expected to be significantly different when it is considered by the committee. Consequently, a summary of the bill would not be helpful at this point.

Appropriations Committees

Both the House and Senate Appropriations Committees held hearings and heard presentations on various forecasts and teacher recruitment and retention initiatives.

Closing Comments

The next set of committee meetings is scheduled for the week of February 6th and 20th. During these weeks both appropriations and substantive committees will meet. During the week of February 13th, only appropriations committees will meet. The Governor is expected to release his legislative budget request (LBR) on February 1st. The Regular Legislative Session begins on March 7th.