

M E M O R A N D U M

March 2, 2007

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

FROM: Rudolph F. Crew, Superintendent of Schools 

SUBJECT: FLORIDA ASSOCIATION OF DISTRICT SCHOOL SUPERINTENDENTS (FADSS) LEGISLATIVE UPDATE – WEEK OF FEBRUARY 19-23, 2007

Attached is 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 Meetings for the week of February 19-23, 2007. During this last week of committee meetings, many House committees focused on the 100 Ideas For Florida's Future. The first 33 ideas refer to education. Property tax relief was also discussed.

Should you have any questions, please contact Mr. Alberto M. Carvalho, Associate Superintendent, Office of Intergovernmental Affairs, Grants, Marketing, and Community Services, at 305 995-2532, or Ms. Iraida R. Mendez-Cartaya, Administrative Director, Intergovernmental Affairs and Grants Administration, at 305 995-1497.

RFC/AMC:ibd
M1094

Attachment

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

February 23, 2007

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank

RE: Interim Committee Meetings – February 19 – 23, 2007

General Information

The House and Senate met for their last set of interim committee meetings this week. The Regular Legislative Session begins on Tuesday, March 6.

Many of the House committees have been discussing the 100 Ideas developed by the House of Representatives this past summer. The 100 ideas can be accessed at www.100Ideas.org. The first thirty-three ideas relate to education and legislation will be developed based on these ideas. Committees have been discussing individual ideas and have submitted or are submitting recommendations to the legislative leadership. The education ideas are listed below:

1. Enhance the value of the Florida Comprehensive Assessment test (FCAT) by raising the bar of the curricular standards it measures and using its results to reward high performance.
2. Systematically and sequentially replace the Sunshine State Standards with a new world class curriculum comparable to those found in the leading education systems in the world.
3. Seek student mastery of the acquisition of appropriate knowledge at each grade level through the development of statewide end-of-course examinations to match the new and more challenging standards, and integrate those examinations into our education system.
4. Florida will move to a policy of administering the FCAT as late in the school year as possible with results still returned before the end of the school year.
5. Florida's Voluntary Pre-kindergarten Program can become a global model for school readiness.
6. Florida will establish a commitment to training and certifying curriculum leaders in reading, math, and science, fully trained in the new curricular standards in every school.
7. Provide strong incentives for identifying gifted elementary school children and require our elementary schools to allow these children to work at an academic level that is as challenging as the child is able to handle.
8. Provide our elementary school children with the advantages of learning a second language, by encouraging and incentivizing a foreign language curriculum in all elementary schools.
9. Encourage the establishment of certified ninth grade success centers as "schools within a school."
10. Create career academies and career training programs that allow students to become industry certified in a technical field, both as part of and after their high school education, programs that lead to successful employment in the growing Florida and world economy.
11. Set a goal to attain the best meaningful graduation rate in the nation. We will achieve this goal as we build our new curricular standards by adding a new component to our accountability system's reward program, the School Recognition Program, introducing additional rewards to our high schools that achieve measured rising graduation rates based on our test score outcomes.
12. The Legislature will ensure the full implementation of policies relating to the transfer of credits, expansion of existing programs that promote articulation policies, and elimination of any unnecessary barriers or impediments to students as they attempt to progress through their

- postsecondary educational programs so we can replicate programs like the one in Manatee County throughout the state.
13. Funding policies will be dependent on university performance and outcomes, including but not limited to a thorough review of university completion rates, the types of graduates produced, minority graduation rates, faculty contact, and guidance for students toward a clear path to complete their degrees.
 14. Develop fiscal policies that address the scope of the programs for which each state university and community college will receive state support to permit these programs to excel, reduce unnecessary duplication, and maximize the return on investment to our citizens from this support.
 15. Florida should commit to having a top 10 university.
 16. Pay teachers and principals based on performance and merit to raise the bar of professionalism in teaching.
 17. Require the statewide development and delivery of on-line, through virtual means, or by satellite/cable in the classroom, much more beneficial statewide professional development courses for teachers and principals that emphasize our new curricular standards and have measurable outcomes based on both student assessment and teacher statewide competency tests.
 18. Encourage collaboration between university business and education colleges and specialty public-private partnerships to provide great principal preparation programs.
 19. Create statewide competency tests, based on our new curricular standards, for teachers at each grade level and subject area.
 20. Any new teacher who has a bachelor's degree, can demonstrate substantive competence (by having the relevant college degree or passing a rigorous test of substantive competence), and can pass a background check should be fully certified to teach in Florida's schools.
 21. To complement a system that reduces barriers to entry, actively seeks out career-changers, and gives the districts the largest possible pool of candidates to choose from, the state should increase the probationary period for teachers from three (the current norm) to five years – thus allowing the districts a reasonable length of time to observe the performance of new teachers and make good decisions about whom to keep.
 22. Protect our teachers by providing them with full liability insurance.
 23. Consider experimenting with student-based funding programs, closely monitoring these experiments both to test whether schools with greater control of funds are becoming more productive and to identify spending patterns that are productive to our goals.
 24. Continue to add options for student and parent choice in education.
 25. Make available to parents an increase in virtual schooling.
 26. Identify professions in high demand that are currently experiencing shortages (for example math and science majors, nurses, engineers, teachers), and provide incentives for students to remain in Florida and enter these needed professions.
 27. Provide voters with the option of dividing large school districts into smaller school districts.
 28. Florida will create and fund an Inspector General or other watchdog to annually keep track of, and report on, the numerous specific incidents of fraud, waste, and abuse that occur each year in the Florida public schools.
 29. Require all schools that accept state funds, including community colleges and universities, to send parents annual notices delineating school content and expenditures.
 30. Charge the Department of Education with annually evaluating the performance of the graduates of the State-approved teacher preparation programs.
 31. Statutorily-prescribed uniform core curricula and preservice field experience requirements for state-approved teacher preparation programs will be revised to require three years of instruction for the uniform core curricula requirements and one year paid student teaching to meet the preservice field requirement.
 32. Provide funding and incentives to create innovative public-private partnerships that will expand after-school programs.

33. Pursue public-private partnerships to provide classroom construction, leasing, and maintenance, and the provision of school services.

House Committee on 21st Century Competitiveness

The committee discussed two legislative proposals. The first related to performance pay. Chairman Simmons thanked the stakeholders for providing written input, including FADSS, FSBA and FEA. Generally, he said that both FADSS and FSBA support flexibility for school districts to develop and implement a plan with the Department of Education providing technical assistance upon request. The draft proposal is a first step in the process and he has asked for our continued input and recommendations. I provided a copy of the proposal to you last week. The House language will undergo major revisions and should be discussed during the first week of session. We continue to advocate for district flexibility.

The committee also discussed proposed graduation rate/dropout prevention proposed language. The proposed bill amends s. 1002.20, F.S., relating to compulsory school attendance and requires that any student who files a declaration seeking to terminate school enrollment, but has not reached the age of 18, must participate for a period of one year in a vocational or job training program approved by the school board and the Commissioner. The student is required to successfully complete the vocational or job training program. Section 1008.34, F.S., relating to the school grading system is amended to require that school grades be based, in part, on the percentage of students who fail to comply with these requirements upon termination of school enrollment. Finally, s. 1008.36, F.S., relating to the school recognition program is amended to include as one of the components, schools with grades of 8 or higher, the achievement of satisfactory or a measured rising graduation rate as defined in rule by the State Board of Education. No action was taken on this proposed legislation.

The committee also heard a presentation by Jo Anne Rodkey, Principal of Woodward Avenue elementary School in Volusia County regarding single gender classes.

House Committee on K-12

The committee has been discussing revisions to the FCAT/Sunshine State Standards over the past several meetings. After presentations by departmental personnel, the committee adopted implementing concepts based on several of the *100 Innovative Ideas for Florida's Future* that may be developed into legislation. These are reproduced for you below and may become proposed legislation.

IMPLEMENTING CONCEPTS 1, 2, 3, 4, 5 AND 6 WERE RECOMMENDED BY THE COMMITTEE ON K-12 ON FEBRUARY 20, 2007

Idea No. 1, in part: Use FCAT results to reward students for high performance.

1. The DOE shall consult with parent, teacher, student, school administrator, and school district organizations, as well as with representatives from public and private colleges and universities and career technical program providers, and make written, comprehensive recommendations by Feb. 2008 regarding how best to reward students with high scores on the FCAT.
2. These recommendations must be specific, and academically based, identifying implementation strategies, timetables, and funding sources – if necessary and as applicable, and may include setting 10th grade FCAT scores to be used:
 - In lieu of the College Placement Test for community college credit courses,
 - In prioritizing admittance to postsecondary institutions;
 - For awarding Bright Futures Scholarships;
 - For determining early admission to postsecondary institutions, or

- In distinguishing a high school graduate's transcript
(A member suggested limiting application to the top few scorers and that not all students' transcripts be so distinguished.)
3. Consideration should also be given to the development of a scholarship program for high scorers to be used at a Florida postsecondary institution, vocational or academic. If a student continues to perform well throughout his or her elementary, middle, and high school years, additional scholarship dollars would be awarded.
 4. In addition, consideration should be given to the establishment of guidelines for local, regional, and statewide student recognition programs for high scorers and improving scorers. (Members recommended expanding the focus on improving student scores.)
 5. Inappropriate methods of recognition (e.g., free trips to Disney World) should not be recommended. Focus should be on awards that provide further learning opportunities; e.g., books, educational games, laptops, home computers, other electronics, and scholarships. Implementing concept filed by Representative Vana and recommended by the Committee:
 6. Identify funding sources for all awards not to diminish class size, operating and teachers salaries.

IMPLEMENTING CONCEPTS 1, 2, 3, 4, 5, 6, 8 AND 9 WERE RECOMMENDED BY THE COMMITTEE ON K-12 ON FEBRUARY 20, 2007, AS FOLLOWS:

Idea No. 1, in part: Enhance the value of the FCAT by raising curricular standards.

Idea No. 2: Systematically and sequentially replace the Sunshine State Standards (SSS) with a new, world-class curriculum comparable to those found in the leading education systems in the world.

1. The State of Florida must transform the Sunshine State Standards (SSS) into a rigorous, world-class curriculum that prepares Florida's students to compete in a global economy. This new curriculum must be aligned with the skills necessary for success in postsecondary education, and in the workforce, and must not be diluted, distorted, or reconstructed. The new curriculum must be specific, accurate, to the point, and not be bogged down with extraneous matters.
2. Transforming Florida's K-12 education standards and curriculum will require a dynamic new approach. We must break free of ~~long, cumbersome, "favored nation"~~ processes and reach out to renowned experts in the national and international educational arena.
3. DOE may/must contract out the development of more specific, rigorous Sunshine State Standards and the identification of appropriate, commensurate curriculum. DOE must be given the flexibility to enter into multiple contracts for the delivery of these new standards and curriculum and may expand the contract to include training and other commensurate deliverables. Accordingly, DOE must collapse the timetable for providing new standards, curriculum, and training, while ensuring quality.
4. DOE must consider highly qualified providers, including but not limited to:
 - The Thomas B. Fordham Foundation.
 - The Hoover Institution's Koret Task Force on K-12 Education.
 - The College Board.
 - Organizations involved in international assessment programs, such as TIMMS, PIRLS, and PISA.
 - Developers of the State of New York's Regents High School Examinations.
5. The State Board of Education must approve all new Sunshine State Standards, curriculum, and training programs provided through this process.
6. DOE is required to host regional meetings, annually, to include all teachers, and provide one day of professional development. Topics to be covered include:
 - The new world class standards, as they are developed;
 - How schools are graded;

- FCAT test development, standards, and specifications; and
- Merit Pay.

Implementing concepts filed by Representative Vana and recommended by the Committee:

8. Identify funding sources and cost of changes per year.
9. Identify how students will be graded during cross bridge time.

IMPLEMENTING CONCEPTS 1, 2, 3, 4, 5, 6, AND 7 WERE RECOMMENDED BY THE COMMITTEE ON K-12 ON FEBRUARY 20, 2007, AS FOLLOWS:

Idea No. 3: Develop end-of-course exams

1. Each school district, as part of its pupil progression plan, shall include a plan for providing and administering end-of-course (EOC) examinations, district-wide, in all high school level and middle school level, non-FCAT courses, as described by the course code directory, including 11th and 12th grade courses. The EOC examinations must be aligned with the new Sunshine State Standards (SSS).
2. Each district's plan shall include:
 - A staggered implementation schedule for EOC examinations on an end-of-semester, end-of-course, or end-of-year basis. Full implementation must begin with the 2009-2010 school year, for high school courses, with the possible exception of Social Studies, and with the 2011-2012 school year for middle school courses. (New Reading and Language Arts standards have already been adopted; new Math standards will be adopted soon, Science standards by 2/08, and Social Studies by 2/09.)
 - Process methodologies that ensure alignment to the new SSS and that the exams are accurate, valid, and rigorous.
 - Security measures to be used to maintain the integrity of the examinations.
 - A weighting formula for use of the examination results in the student's final course grade. EOC examination scores shall account for no less than 25% of a student's final grade.
 - Specifics regarding student remediation and retakes.
 - Provisions for test accommodations for exceptional students and limited-English proficient students, as provided in the regular instructional program.
 - Policies for internal reporting and use of EOC examination results for improving instruction in the regular instructional program.
3. The DOE shall develop guidelines for district plans and submission of EOC exams, for approval, including:
 - The format for, and what is to be included in, the plan.
 - Identification of the specific high school and middle school level courses that must use EOC examinations.
 - Procedures for submitting EOC exams to DOE for review and approval.
 - Reporting of examination results by the districts to the DOE.
4. The DOE shall develop policies to address:
 - The agency review of district-submitted examinations for alignment to the new SSS and for accuracy, validity, and rigor.
 - Review of each district's plan for compliance with agency guidelines and for adequate security standards.
 - Development of a secure, online clearinghouse of district-developed EOC examinations approved by the DOE.
 - The encouragement of intrastate collaboration by school districts in the areas of test development and sharing of DOE-approved examinations.
5. The DOE shall provide monetary support to districts, as funds are available.

6. School districts, the DOE, community colleges, and the state university system shall collaborate to develop a plan to utilize EOC examinations to:

- Measure college readiness;
- Determine placement in college courses; and
- Award scholarships and other financial aid for postsecondary options.

Note: Idea 1 states, in part, that “as we raise the bar, we must add eleventh and twelfth grade examinations.” End-of-course examinations will take us in that direction.

Implementing concept filed by Representative Vana and recommended by the Committee:

7. Identify funding sources and cost of changes.

IMPLEMENTING CONCEPT 1 WAS RECOMMENDED BY THE COMMITTEE ON K-12 ON FEBRUARY 20, 2007, AS FOLLOWS:

Idea No. 4: Push the administration of the FCAT as late in the school year as possible with results still returned before the end of the school year.

Due to the wide variances in school district calendars, including start dates, end dates, and spring break/holiday schedules, it is extremely difficult to find FCAT administration dates that are uniform throughout the state, that accommodate each district’s unique calendaring needs, and which are as late as possible in the year.

It is acknowledged that staggered administration of these exams presents security issues.

It is recognized that the quality of the FCAT exam is enhanced by the higher-order, critical thinking response questions, which are not multiple choice questions. It is also acknowledged that scoring non-multiple choice questions is more time consuming than scoring multiple choice questions.

Despite these impediments, it is incumbent upon the department (DOE) to explore creative, alternative approaches in order to realize a later-in-time administration of the FCAT. It is important that students receive as much instruction time as possible before taking the exam.

1. Accordingly, as of the 2009-2010 school year, the FCAT writing exam shall be administered no earlier than March 1, and all other FCAT exams no earlier than April 15; and, the results shall be returned by no later than June 1.

House Committee on Education Innovation & Career Preparation

The committee continued with presentations on constitutional issues. The committee is also having presentations on foreign language curriculum. One of the *100 Innovative Ideas for Florida’s Future* is to “provide our elementary school children with the advantages of learning a second language by encouraging and incentivizing a foreign language curriculum in all elementary schools. Some of the concepts that have been discussed, **but not adopted**, are:

1. Require each elementary school to hire a foreign language teacher (cost estimated at \$96 million).
2. Incentivize school districts to utilize video and communications technology for the provision of foreign language instruction in elementary schools (Pinellas has utilized federal grant fund to provide Spanish language instruction in four elementary schools through video taped lessons and video conferencing technology).
3. Expand K-8 virtual School programming to offer statewide online foreign language instruction.

Property Tax Relief

The House released its Property Tax Relief Proposal which is reproduced below. The House has also contacted us for a briefing on the proposal during the first week of session.

Speaker Rubio, House Leaders Propose RESPONSIBLE, Immediate Property Tax Relief

The House Plan rolls back property tax rates this year, caps the rate of revenue growth of state and local government, limits property tax increases on non-homestead property and eliminates all property taxes on homestead properties

Following through on their 100 Ideas efforts, House Speaker Marco Rubio, Chairman Ray Sansom, and other House leaders unveiled a comprehensive property tax relief proposal designed to cut Floridians' property tax bills by nearly 20 percent this year. In addition to reducing property tax bills by nearly one-fifth, the House leaders' relief plan caps the rate of revenue growth for both state and local government at reasonable levels and gives voters the option of abolishing property taxes on homestead properties and replacing it with a modest increase in the sales tax.

Bringing real property tax relief to Floridians was Idea 96 in the House's 100 Innovative Ideas for Florida's Future.

The components of the House's plan are described below:

Meaningful Property Tax Relief This Year

1. Effective July 1 of this year, property taxes for Floridians will be reduced by nearly 20%.
2. With an adjustment forward for a reasonable increase in the size and cost of government, local government millage will be reduced to a rate generating the same tax revenue as was generated in the previous year.
3. The rate of growth for government will be determined by population growth plus inflation set off a base year of 2000-2001.
4. Local governments may choose to raise revenues above the capped rate through a 2/3 or a majority plus one vote, whichever is greater, of their governing body. These limits do not apply to taxes levied for school districts, for bond repayments, or for a two-year period when authorized by a vote of electors.
5. **School district revenues would not be rolled back.**

Property Tax Reform Constitutional Amendment

1. In a 2007 special election, voters would have the option of eliminating all property taxes on homestead property.
2. In addition to eliminating property taxes on homestead property, starting in Fiscal Year 2008-09, state revenue growth would be limited to a reasonable amount that would be allowed under a prescribed formula that accounts for population growth and inflation since 2001-2002.
3. For the first time, Medicaid revenues would be placed within the revenue growth limitation. Currently these revenues are excluded from the state's revenue limitation.
4. The state revenue limit may be exceeded in any year by a 2/3 vote of each legislative chamber.
5. The constitutional amendment would also limit the continued rapid expansion of local government by containing millage to a rate that produces the same tax revenue as was generated

in the previous year plus population growth and inflation, excluding new construction and annexation. The revenue cap may be exceeded through a unanimous vote of the governing body.

6. **School districts would not see their budgets reduced under the House's plan. The future growth of school district budgets from property tax revenues would be limited by the amendment, but state government could choose to put more state revenue into schools.**

Abolishing Property Taxes on Homestead Property

1. **If the elimination of taxes on homestead property is passed by the voters, the state sales tax will be increased by 2.5 cents on all transactions subject to sales tax to offset revenue losses to local governments, schools and other entities that used property tax revenues.**
2. This additional sales tax will be used to replace revenues lost due to the Constitutional Amendment.
3. This replacement revenue will only be implemented if voters approve the Constitutional Amendment that exempts homestead property from property tax.

Statewide Savings for Property Owners Under House Property Tax Relief Plan

Statewide Savings This Year

\$5.77 Billion Total	19% Total Savings
Average Taxpayer Savings	
Homestead Property Owner:	\$433
Non-Homestead Residential Property Owner:	\$767
Commercial Property Owner:	\$3,353

Statewide Savings Upon Passage of Constitutional Amendment

\$13.55 Billion Total Property Tax Reduction
\$7.78 Billion in Sales Tax Replacement
\$5.77 Billion in Total Tax Savings

Average Taxpayer Savings	
Homestead Property Owner:	\$2,283
Non-Homestead Residential Property Owner:	\$767
Commercial Property Owner:	\$3,353

Senate Education Pre-K Committee

At the beginning of the meeting, Senator Gaetz read a joint statement on performance pay developed with Representative Pickens. Basically, the two legislative leaders have agreed to work together to develop legislation addressing performance pay. Both chairmen understand that the driving policy behind STAR was to identify and reward high performing teachers and school administrators, and believe the legislature is unwilling to waiver from its commitment to this policy.

The two chairmen discussed the difficulties in STAR implementation and recognized the investment of great time and effort by many throughout the State to develop solid STAR plans. They stated their commitment to encouraging innovative local plans that meet legislatively established criteria by rewarding outstanding student learning gains, academic proficiency, and locally-determined factors. The chairmen recognized the important work of the House Committee on 21st Century Competitiveness, chaired by Rep. Simmons, in discussing and evaluating performance pay issues. Testimony provided in House and Senate committees will be considered in designing legislation. The intention of the legislative leadership in both the House and Senate is to work together to develop performance pay legislation which addresses current fiscal year STAR implementation programs and codifies authority for performance pay in ensuring years.

After reading the letter, the committee considered several bills. The summaries follow.

SJR 388 by Senator Wilson relates to the Commissioner of Education/Cabinet. This Joint Resolution provides for a change in the selection of the Commissioner of Education, from a State Board of Education appointment to an elected cabinet position. This bill provides that the Commissioner of Education is to supervise the free public education system in the manner prescribed by law.

The resolution passed the committee favorably.

SB 230 by Senator Argenziano relates to sexual predators or offenders. This is not the Jessica Lunsford/fingerprinting screening bill. That bill (SB 988) was discussed in the Senate Criminal Justice Committee and was temporarily passed. SB 230 ranks several offenses involving non-compliance with sexual offender and sexual predator reporting requirements. Other features of the bill, many of which implement recommendations of the Jessica Lunsford Task Force and the Office of Program Policy and Government Analysis (OPPAGA), include:

- Requiring the Florida Department of Law Enforcement (FDLE) to provide, when data is available, certain information in Florida's Internet registry;
- Requiring that information that is shared by FDLE with local law enforcement agencies about sexual predators and offenders must include notice to these agencies about those offenders who, upon their release from state incarceration, have no registration activity on record with the FDLE;
- Requiring that the names or identifying information of certain applicants for governmental appointment or employment who work or volunteer in places where children regularly congregate be checked against the new Dru Sjodin National Sex Offender Public Website;
- Clarifying legislative intent that electronic monitoring of certain sex offenders on probation and community control applies only to those sex offenders on probation or community control whose *felony* offense was committed on or after September 1, 2005; Requiring electronic monitoring of certain sex offenders on conditional release by including sexual performance by a child and selling or buying of minors in the criteria for eligibility for conditional release supervision, and adding several additional serious offenses to the eligibility criteria; and
- Requiring the FDLE to determine the feasibility of enhancing its Internet registry to include a mapping capability that may be used by individuals, local law enforcement agencies, and correctional officials.

The bill passed the committee favorably.

CS/SB 1228 by Education PreK-12 and Senator Gaetz relates to High Performing School Districts. The bill provides for designating academically high-performing school districts, which must meet the following criteria:

- Earn a grade of "A," under s. 1008.34(7), F.S., for 2 consecutive years, beginning with the 2004-2005 school year;
- Have no district-operated school that earns a grade of "F";
- Comply with all class size requirements;
- Have no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted under s. 218.39, F.S.; and
- Report the specific State Board of Education (SBE) rules and statutes from which the school district is exempt.

The designation may be retained for 3 years, if the district complies with all the initial eligibility criteria and earns at least a grade of "A" for 2 years within a 3-year period. However, a district may not retain the designation if a district-operated school earns a grade of "F" during the 3-year period. The bill also provides for exempting these districts from complying with the law relating to the following: program expenditure levels in the Florida Education Finance Program (FEFP) for kindergarten through grade 12; annual K-12 comprehensive reading plans; requirements for covered walkways for relocatable facilities (portables); the use of relocatable facilities; procurement of instructional materials; and the use of the instructional materials allocation. This bill creates an additional use for discretionary millage levied by a district school board. A high performing school district may pay for property and casualty insurance with revenues generated from its discretionary two mill tax levy.

The bill also specifies the provisions of law from which a high performing district may not be exempt, provides for renewing the designation at the end of 3 years, and specifies a district's requirements for reporting academic performance to the SBE and the Legislature.

The SBE must make recommendations to the Legislature for eliminating any reporting requirements in state law that duplicate those in the federal No Child Left Behind Act.

The bill passed the committee favorably as a committee substitute.

PCS/SB 1230 by Education PreK-12 and Senator Gaetz relates to district and school advisory councils. This bill requires the bylaws of school advisory councils to provide that a majority of each of the subgroups that make up the advisory council must be present in order for a school advisory council to vote on a plan to expend Florida School Recognition Program Funds. If the required members of the subgroups are present, a simple majority of the school advisory council may approve the plan.

The bill also requires the bylaws to establish a procedure for allowing any teacher, education support employee, parent, student, or volunteer to propose a plan for expending Florida School Recognition Program Funds. The proposals must be reviewed and discussed at a public meeting.

The bill makes the school advisory council solely responsible for determining the use of a school's Florida School Recognition Program funds.

The bill was temporarily postponed.

SB 334 by Senator Wilson relates to the School Grading System. The bill removes the letter grades used to describe school performance under Florida's system of school improvement and accountability. Additionally, the bill expands the assignment of community assessment teams to "D" and "F" schools. Under current law, a community assessment team is only required if a school is designated as failing to make adequate progress (an "F" school).

The bill failed to pass the committee.

Senate Committee on Criminal Justice

SB 988 by Senator Argenziano relates to high-risk offenders/Fingerprint Requirements. This bill makes the following changes to the Jessica Lunsford Act provision requiring fingerprint-based background checks for contractors who are permitted on school grounds when students are present:

- Continues to subject certain school contractors to Level 2 background screenings and clarifies that contractors who contract directly with schools must also be screened.
- Provides a list of offenses that disqualify a noninstructional contractor from having access to school grounds when students are present.
- Requires fingerprint-based background checks to be performed at least every 3 years.
- Exempts the following noninstructional contractors from fingerprint-based background checks: (1) those under direct line-of-site supervision of a person who meets the screening requirements; (2) those who are already required by law to undergo a level 2 background screening and who submit evidence that they meet the standard, were screened within the previous 5 years, and are licensed or certified in good standing if required by their specialty; (3) law enforcement officers assigned or dispatched to school grounds; (4) those who work and remain in an area separated from students by a fence; and (5) those who provide pick-up or delivery services that involve

brief visits to school grounds. Exempt contractors are subject to a search of the state and national registry of sexual predators and sexual offenders with no charge to the contractor.

- Exempts instructional personnel who work with children with developmental disabilities or who are child care personnel from fingerprint-based background checks if they are required to undergo a level 2 background screening, have done so in the previous 5 years and meet level 2 standards, and have fingerprints retained by FDLE.
- Provides immunity from civil and criminal liability for employees of school districts and schools who share background check information in good faith.
- Allows fingerprints to be taken by law enforcement, or by an employee of a school district, public school, or private company who is trained to take fingerprints.
- Requires a contractor to report arrest for a disqualifying offense to his or her employer or party to whom he or she is under contract and the school district within 48 hours. Provides that it is a 3rd degree felony for a contractor to willfully fail to report an arrest for a disqualifying offense, or for an employer or party to whom the contractor is under contract to knowingly allow a contractor with one of the disqualifying offenses to be present on school grounds when students are present.
- Provides that costs of fingerprint-based background checks may be borne by the district school board, the school, or the contractor, but limits fees charged to a contractor to no more than 30 percent of the total cost charged by FDLE and the FBI.
- Requires the Florida Department of Law Enforcement (FDLE) to implement a system for school districts to share the results of the background checks and provides FDLE with rulemaking authority.
- Requires the school district to notify a contractor of a basis for denial of access, and provides that mistaken identity is the only basis for contesting the denial.
- Requires a contractor to report that he or she submitted to a fingerprint-based background check in another district and requires school districts to use the shared system to verify the information at no charge to the contractor.

In addition, the bill requires any driver's license or identification card issued to a sexual predator or sexual offender to have a designated marking on the front of the card. It provides that it is unlawful for a sexual predator or sexual offender to possess a card without the required markings or on which the markings are not displayed or have been altered.

The bill was temporarily deferred.

Appropriations Committees

Neither House heard significant legislation this week. The Senate PreK-12 Appropriations Committee heard several presentations, including presentations from the three educational consortia.

We hope this information is helpful. If you have any questions, please contact me at 850.488.5099.