

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/HB 7055 — Education

by Appropriations Committee; Education Committee; Reps. Bileca and Diaz, M.

The bill (Chapter 2018-6, L.O.F.) expands state school choice scholarship programs and streamlines accountability for participating private schools; provides flexibilities to school districts; modifies charter school requirements; specifies assessment, instructional, and curriculum requirements; modifies other education provisions; and provides appropriations. Specifically the bill:

State school choice scholarship programs

- Establishes the Hope Scholarship Program to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, battery, threat, intimidation, or fighting at school, as defined by the Department of Education (DOE or department), with a scholarship to transfer the student to another public school that has capacity or to attend an eligible private school. The bill specifies responsibilities for a school district, parent, student, private school, DOE, and scholarship funding organization that participate in the program.
 - A tax credit is available for a person who makes an eligible contribution. Each eligible contribution is limited to a single payment of \$105 made at the time a motor vehicle is purchased from a dealer, or at the time a motor vehicle that has not been purchased from a dealer is registered.
 - An eligible contribution must be accompanied by a contribution election form provided by the Department of Revenue, which must include specified information.
 - A buyer that makes a contribution will receive a tax credit equal to the amount of the contribution. The credit will reduce the amount of sales tax that is due on the purchase.
- Establishes Reading Scholarship Accounts to provide public school students in grades 3 through 5 who scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year. The scholarship must be offered on a first-come, first-served basis, and is contingent upon available funds.
 - For the 2018-2019 school year, the scholarship award amount is \$500 per eligible student.
 - Thereafter, the maximum amount granted for an eligible student must be provided in the General Appropriations Act.
- Expands authorized uses of Gardiner Scholarship Program funds to include:
 - Tuition or fees associated with full-time or part-time enrollment in a home education program.
 - Tuition and fees associated with part-time tutoring services provided by a person with a baccalaureate degree or a graduate degree in the subject area in which instruction is given.

- Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.
- Creates the Florida Sales Tax Credit Scholarship Program to fund the existing Gardiner Scholarship Program and the existing Florida Tax Credit Scholarship Program. The program is funded by contributions from tenants of commercial real estate that have to pay sales tax on their lease payments.
 - Tenants that contribute to the program can take credits against the taxes due on their lease payments until the credits equal the amount of the contribution.
 - The amount of credits that can be awarded in each fiscal year is limited to \$57.5 million per year.
- Modifies the current Florida Tax Credit Scholarship Program:
 - Allows a corporation to make a qualifying contribution up until the time the corporation files its corporate income tax return.
 - Extends from 5 years to 10 years, the period within which the corporations must use tax credits.
 - Authorizes corporations to use credits to reduce any estimated payment.
 - Allows a sales tax dealer to receive the collection allowance even though it did not remit any taxes due to the use of tax credits.
- Requires the Department of Revenue to provide, upon request, scholarship-funding organizations a list of the 200 taxpayers with the greatest total corporate income or franchise tax due as reported on the taxpayer's return during the previous calendar year. The report will not include tax information and the scholarship-funding organization may not further disclose the information in the report.
- Streamlines accountability provisions for private schools that participate in state school choice scholarship programs and applies such provisions consistently to participating private schools. Specifically, the bill:
 - Requires the DOE to conduct site visits to private schools entering a scholarship program for the first time and specifies that beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements of this section.
 - Authorizes the DOE to conduct site visits to any private school participating in a scholarship program, which has received a complaint about a violation of state law or State Board of Education rule, or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.
 - Requires the DOE to coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.
 - Requires the DOE to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools; and specifies that the authority conducting the fire safety inspection must certify to the State Fire Marshal that the annual inspection has been completed and that the school is in full compliance. The certification must be made electronically or by other means as directed by the State Fire Marshal.

- Requires private schools participating in a scholarship program to publish on the school's website, or provide in a written format, information for parents regarding the school including, but not limited to, programs, services, and the qualifications of classroom teachers.
- Requires private schools participating in a scholarship program to provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.
- Requires a private school that receives more than \$250,000 in funds from state school choice scholarships in a state fiscal year to provide a report from an independent certified public accountant who performs the agreed-upon procedures specified in law.
- Prohibits the owner or operator of a private school that has been deemed ineligible to participate in a state school choice scholarship program from transferring ownership or management authority of the school to a relative specified in law. Additionally, the bill requires that at least 30 days before a transfer of ownership of a private school, the owner or operator of such school must notify the parent of each scholarship student.
- Modifies the requirement for the State Board of Education to adopt rules to specify that such rules must include a deadline for private school applications for participation and timelines for the DOE to conduct site visits.

School District Flexibility

- Establishes, as part of the Principal Autonomy Program Initiative (PAPI), innovation academies and zones to encourage innovation and expand the reach of highly effective principals by allowing district school boards to authorize such principals to manage multiple schools within a zone. A zone may include the school at which the principal is assigned, persistently low-performing schools, feeder pattern schools, or a group of schools identified by the school district. The principal may allocate resources and personnel between the schools under his or her administration.
 - Expands the PAPI to a statewide program from a pilot that was initially authorized in 7 school districts for three 3 years, and specifies that a school retains the exemptions from law granted in the program, as long as the school maintains a grade of "B" or higher.
- Expands the available exceptions a district school board may adopt to include any other provisions in the State Requirements for Educational Facilities that limit the ability of a school to operate in a facility on the same basis as a charter school, as long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.
- Specifies that school districts may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:
 - The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

- If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;
- One-half cent sales surtax revenue;
- One cent local governmental surtax revenue;
- Impact fees; and
- Private gifts or donations.
- Provides each district with Title I flexibility:
 - Provides that when school districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent threshold may include high schools above the 50 percent threshold as permitted by federal law.
 - Increases the cap on withholding Title I funds for administration, which includes the school district's indirect cost rate, from 8 percent to 10 percent.
 - Provides that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan.
 - Excludes from the cap on withholding of Title I funds any funds provided by an eligible school to participate in discretionary educational services provided by the school district and any funds carried forward by the school district.

Charter School Requirements

- Revises the initial term of a charter contract from 4 or 5 years to 5 years, excluding 2 planning years.
- Allows a charter school to defer opening of the schools' operations from 2 years to 3 years.
- Modifies provisions relating to charter school contract nonrenewal or termination:
 - Establishes a standard of clear and convincing evidence of one of the grounds, specified in law, for nonrenewal or termination.
 - Requires a violation of law to be material in order to be a grounds for nonrenewal or termination.
 - Eliminates the opportunity for a charter school governing board to request a direct hearing conducted by the sponsor and instead, provides for a hearing before an administrative law judge.
 - Provides for reasonable attorney fees for the prevailing party in a final order.
- Eliminates the dispute resolution hearing before the Charter School Appeal Commission for a charter school to resolve disputes over contracted goods and services and instead, authorizes the charter school to appeal to an administrative law judge.
- Requires a school district that sponsors a charter school to annually report to the DOE, by September 15, the total amount of funding withheld for administrative fees from sponsored charter schools in the prior fiscal year.
- Revises eligibility for the high-performing charter school designation to include an option to meet the eligibility requirements through two consecutive grades of "A" in the most

recent 2 school years and allows high-performing charter schools to replicate two schools within the state in any year.

- Authorizes a high-performing charter school that has expanded its original facility or has access to additional facilities, to increase student enrollment without being limited to the original facility's capacity.
- Allows charter schools and charter management organizations to submit application to the DOE, for approval to offer level I and level II school leader preparation programs.
- Requires a school district to reimburse a charter school the cost of background screening if the school district does not notify the charter school of the eligibility of the charter school's governing board members or instructional or noninstructional personnel within 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or within 30 days of submission of the fingerprints by the charter school governing board member or instructional or noninstructional personnel.
- Revises the ability of charter schools to modify their charter contract due to consolidation and provides that a charter school that is not subject to a school improvement plan and that closes as part of a consolidation must be reported by the school district as a consolidation.
- Requires any tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board to be provided for a charter school's use on the same basis as it is made available to other public schools in the district. The bill prohibits a charter school that receives such property from selling or disposing of the property without the written permission of the school district.
- Revises the instances in which a charter school can limit the enrollment process to allow a charter school to reserve up to 50 percent of student stations for students residing in a development when the school was built to mitigate the impacts of the development and the school facility and related property have an assessed value of at least \$5 million.

Assessment, Instructional, and Curriculum Requirements

- Requires each school district that has one or more of the 300 lowest-performing elementary schools, based on a 3-year average of the state reading assessment data, to use the school's portion of the supplemental academic instruction allocation to provide an additional hour of intensive reading instruction per day.
 - Authorizes the additional hour of reading instruction to be provided within the school day.
 - Makes participation in extra hour of reading optional for students in the 300 lowest-performing schools who earned a level 4 or level 5 score on the statewide, standardized ELA assessment. Currently, this optional participation applies to students in the 300 lowest-performing schools who earned a level 5 score on the ELA assessment.
- Requires integration of grade-level core curricula content from social studies into reading passages and writing prompts for ELA assessments.
- Requires assessments published by the DOE to be in a format that facilitates the sharing of assessment items.

- Exempts, for the 2017-2018 school year, students enrolled in Marjory Stoneman Douglas High School (MSDHS) from taking the statewide standardized assessments and the use of assessment results but requires MSDHS to administer industry certification assessments, national assessments, and statewide assessments for any student who chooses to take the assessment. Additionally, exempts students who are in the 2017-2018 graduating class from the minimum hours of instruction requirement and certain assessments to earn a standard high school diploma and a standard high school diploma designation.
- Requires industry certification examinations, national assessments, and statewide assessments offered by the school districts to be made available to all Florida Virtual School students.
- Prohibits a bonus associated with students' attainment of Career and Professional Education (CAPE) industry certifications from being awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who violates the security or administration protocol of any related assessment, and authorizes the State Board of Education to adopt the criteria under which a student's industry certification or grade may be rescinded.
- Requires that the instruction in the use of cardiopulmonary resuscitation (CPR), that school districts may provide, be based on a nationally recognized program that uses specified guidelines, and requires that students be allowed to practice psychomotor skills associated with performing CPR and the use of an automated external defibrillator when a school district has the equipment necessary to perform the instruction.
- Modifies dual enrollment provisions for home education program students and private schools in the following ways:
 - Specifies that a Florida College System institution dual enrollment articulation agreement may not limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary education institution.
 - Specifies that any course or program limitations in the home education articulation agreement may not exceed the limitations for other dually enrolled students.
 - Removes from the home education program dual enrollment articulation agreement, the provision that requires a home education program student to be responsible for his or her own instructional materials.
 - Specifies that a high school grade point average (GPA) may not be required for home education program students, but a home education program student must meet the minimum GPA determined by the postsecondary institution for continued enrollment.
 - Removes from the dual enrollment articulation agreement between an eligible public postsecondary education institution and an eligible private secondary school the provision stating whether the private school will compensate the postsecondary education institution for each dual enrollment course taken by the private school's students.
 - Clarifies that a public postsecondary institution must enter into dual enrollment articulation agreements with home education program students and private schools in the institution's geographic service area.

- Requires the professional development resources disseminated by the DOE to include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. Such templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to student's mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. The template must, at least, provide courses or year-long sequencing on concept-based unit overviews based on Florida Standards, describe the knowledge and vocabulary necessary for comprehension, and promote the instructional shifts required within the Florida standards, and illustrate the interdependence of grade level expectations within and across content areas within a grade.

Other Provisions

- Authorizes the Commissioner of Education to coordinate with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation in the event of an emergency situation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.
- Deletes an obsolete July 1, 2007, deadline for the Florida Department of Education to develop and operate an electronic individual education plan (IEP) for statewide use.
- Clarifies that a home education program student, a charter school student, or a Florida Virtual School student must register his or her intent to participate in an interscholastic extracurricular activity before participating in the activity rather than before the beginning date of the season for the activity.
- Modifies the Florida Best and Brightest Teacher Scholarship Program award eligibility requirement to specify that a school district employee who is no longer a classroom teacher may receive the scholarship award if the employee was a classroom teacher in the prior school year, was rated highly effective, and met the eligibility requirements of the scholarship as a classroom teacher.
- Modifies provisions relating to collective bargaining between a school district and a collective bargaining unit for instructional personnel. Specifically, the bill:
 - Requires the school district and collective bargaining unit to negotiate a memorandum of understanding, before the start of the 2019-2020 school year, which addresses the selection, placement, and expectations of instructional personnel and provides certain school principals with autonomy specified in law.
 - Requires certain information in an application for renewal of registration by an employee organization that has been certified as the bargaining agent for a unit of instructional personnel.
 - Requires an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, to petition the Public Employees Relations Commission for recertification as the exclusive representative

of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration.

- Authorizes early learning coalitions to refuse to contract with, or revoke the eligibility of, a school readiness program provider or a private provider of the Voluntary Prekindergarten Education Program to deliver the applicable program if the provider has been cited for a Class I violation.
- Requires each district school board to adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust," in a conspicuous place.

Funding Provisions

- Provides that revenue from the discretionary millage district school boards are authorized to levy must only be included in charter school capital outlay if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.
- Authorizes the carryforward of Schools of Hope program funds for up to 5 years after the effective date of the original appropriation.
- Requires school districts to annually certify their debt service obligation incurred by March 1, 2017, that has not been subsequently retired.
- Prohibits any school district that has more than three-fourths of their capital outlay millage revenue committed to debt payments for lease-purchase agreements, from withholding the administrative fees authorized by law from any charter school operating in the district.
- Appropriates the sum of \$13,750,000 in recurring funds from the General Revenue Fund to the Department of Education to implement the following provisions of the bill:
 - \$9,700,000 to fund reading scholarship accounts;
 - \$300,000 as an administrative fee for the reading scholarship accounts;
 - \$2 million to implement the Hope Scholarship Fund;
 - \$950,000 to implement additional oversight requirements for state scholarship programs;
 - \$250,000 to issue a competitive grant award for a state university to review the performance of students participating in the Florida Tax Credit Scholarship;
 - \$550,000 to fund instructional materials for home education program students participating in dual enrollment.
- Appropriates the following nonrecurring funds from the General Revenue Fund to implement the bill:
 - \$100,000 to the Department of Education to implement provisions in HB 1279, contingent upon HB 1279 or similar legislation becoming law, for third party independent audit of a school district that experienced financial deficit conditions.
 - \$150,000 to the Department of Revenue to implement the Florida Sales Tax Credit Scholarship.

The provisions establishing the Hope Scholarship Program and requiring the Department of Revenue to share certain taxpayer information became law upon approval by the Governor on March 11, 2018; the remaining provisions in the bill take effect July 1, 2018.

Vote: Senate 20-17; House 74-39