

PUBLIC SCHOOLS

HB 429 — Florida School for the Deaf and the Blind

by Rep. Proctor and others (CS/SB 1014 by Education Appropriations Committee and Senator Wise)

This bill makes changes to laws governing the Florida School for the Deaf and the Blind in the areas of the school's responsibilities, mission, lobbying, law enforcement, purchasing, facilities, and use of private funds. The bill:

- Authorizes the Florida School for the Deaf and the Blind to provide education services to district school boards upon request;
- Deletes the prohibition against the school's use of privately-donated funds to compensate lobbyists;
- Changes the requirements for the school's legislative budget request to—
 - Permit projections of facility space needs to exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities;
 - Exempt from the requirements of ch. 287, F.S., purchases made with certain funds that were contributed as gifts, donations or bequests; that belong to student clubs or organizations; or that are being held for specific students; and
 - Exempt from the provisions of s. 112.061, F.S., per diem and travel expenses paid with funds that were contributed as gifts, donations or bequests; that belong to student clubs or organizations; or that are being held for specific students.
- Gives campus police officers the authority to enforce traffic laws within the boundaries of the campus;
- Repeals the requirement for the board of trustees to obtain and approve a bond on each police officer; and
- Requires the Florida School for the Deaf and the Blind to submit educational plant surveys in the same manner as school districts, community colleges, and state universities, under the provisions of s. 1013.31, F.S.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 113-0

HB 765 — Student Computers and Internet Access

by Rep. Jennings and others (CS/SB 502 by Education Appropriations Committee and Senators Wilson, Crist, and Bullard)

This bill establishes a program to provide discounted computers and internet access to public school, charter school, and home-schooled students in grades 5-12.

The Department of Education (DOE) shall negotiate with computer companies and non-profit organizations for discounted computers and software that support word processing and broadband internet access. The DOE must negotiate with broadband providers for discounted internet access and must adopt rules, in conjunction with the Digital Divide Council, to provide training to students; notification to parents; and information regarding eligibility, locations where the computers are available, and how students may obtain and pay for computers and internet access.

In addition, the bill establishes a pilot project to assist low-income students in purchasing discounted computers and internet access services. The pilot project is to be funded as provided in the General Appropriations Act and from any grants received from public and private sources.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 38-0; House 120-0

CS/CS/SB 772 — Schools

by Education Appropriations Committee; Children and Families Committee; and Senators Constantine and Wilson

This bill revises a number of statutes that govern the organization and operation of public schools.

District School Superintendent Bonuses

The bill clarifies that the method for determining compensation for district school superintendents who complete the requirements for a special qualification salary and leadership development and performance compensation applies to the compensation of elected superintendents only. The extra \$2,000 per year special qualification salary would be paid by district school boards. The Department of Education would pay the annual performance salary incentives in an amount between \$3,000 and \$7,500, which is paid to elected district school superintendents who complete the leadership development and performance compensation program.

The bill clarifies that superintendents who are appointed by school boards may participate in the courses of continuing professional education provided in the special qualification certification

program under s. 1001.47(4), F.S., and the leadership development and performance compensation program under s. 1001.47(5), F.S. Upon successful completion of the certification requirements for one or both of these programs, the district school board may use the certification or certifications as a factor in determining the amount of compensation to be paid.

Attendance Policies

The bill allows district school boards to establish policies that allow accumulated unexcused incidents of tardiness and early departure from school to be recorded as unexcused absences. School boards are authorized to establish policies to require referral of a child to a school's child study team for fewer than five such unexcused absences.

The bill requires a 16-year-old student who has not graduated to stay in school until a declaration of intent is filed with the district school board. A student's guidance counselor must conduct an exit interview and inform the student of other educational opportunities, including adult education and general educational development (GED) test preparation. The bill also requires the student to complete an exit interview and a survey if the student intends to terminate school enrollment.

The bill revises the interventions that the child study team must use if an initial meeting with the student's parent does not resolve attendance problems. The child study team may implement other interventions, including referral to other agencies for family services or recommendations for filing a truancy petition as provided for in s. 984.151, F.S. The bill allows rather than requires a designated school representative to visit a student's residence or other place the student may be found when the student is not enrolled in school or has an unexcused absence.

A Business-Community (ABC) School Program

This bill transfers and renumbers s. 1013.501, F.S., as s. 1013.721, F.S., and amends this section to change the name of the Florida Business and Education in School Together (Florida BEST) Program to A Business-Community (ABC) School Program. An ABC school is a public school that offers instruction from kindergarten through grade 3 in any single grade level or for multiple grade levels, in compliance with constitutional class-size requirements. School districts must submit evidence of compliance with public notice requirements about the program to the Florida Department of Education (DOE). Districts must also provide the DOE with contact information about the ABC evaluation committee members and designate a district employee as a liaison for the program. The duties of the evaluation committee are expanded to include quarterly meetings, annual reports to the school board and superintendent, strategic marketing plans, technical assistance to businesses, and proposal evaluation criteria.

Automated External Defibrillators (AEDs)

The bill requires each high school that is a member of the Florida High School Athletic Association to have an operational automated external defibrillator (AED) on the high school grounds. The bill encourages public and private partnerships to cover the cost associated with the purchase and placement of the AED and training in the use of the AED. School employees and volunteers who are expected to use the device must be trained. The local emergency services director must be informed of the location of each AED. Employees and volunteers who use an AED will be covered by the Good Samaritan Act and will not be held liable for any civil damages as a result of the use of the AED.

Career and Professional Academies

The bill defines a “career and professional academy” as a research-based program that integrates a rigorous academic curriculum with an industry-driven career curriculum. A school district, public school, or the Florida Virtual School may offer a career and professional academy where students may gain industry-recognized certification in high demand occupations and simultaneously earn college credit and credit toward a high school diploma. Two different types of academies are authorized: a school-within-a-school career academy; and a total school configuration providing multiple academies.

The bill outlines academy goals to include increased student achievement and graduation rates, a focus on career preparation through rigorous academics and industry certification, promoting acceleration mechanisms such as dual enrollment, and supporting the state’s economy by meeting industry needs for skilled employees in high-demand occupations.

Each career and professional academy must include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners to provide opportunities for instruction from highly-skilled professionals; internships; postsecondary degrees, diplomas, or certificates; maximum articulation of credits; and activities to enhance the student’s readiness for work.

The bill requires the DOE to establish a special kind of career and professional academy, a Career High-Skill Occupational Initiative for Career Education (CHOICE) project, using a competitive process to select and designate certain school districts to participate based on specific eligibility requirements. DOE must work in consultation with Workforce Florida, Inc., to establish standards. Additionally, DOE must work with Workforce Florida, Inc., and Enterprise Florida, Inc., for the designation of CHOICE academies.

Any school district, including specifically, the Okaloosa County School District, that has received funding from Workforce Florida, Inc., for establishment of a CHOICE academy must receive an expedited review for CHOICE academy designation by the DOE. If funding is provided in the General Appropriations Act, the DOE must award one-time start-up funds to

school districts designated as participants in the CHOICE program. The DOE must report on participating academies to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education annually by July 1.

Regional Education Consortia

The bill permits a regional consortium of school districts to establish purchasing and bidding procedures, including construction arrangements, in lieu of individual school district bid arrangements. A regional consortium service organization may establish a direct support organization independent of its fiscal agent.

Supplemental Education Services

The bill establishes requirements for a service provider or school district to follow when providing supplemental education services to students in schools that receive federal Title I funding. The bill prohibits a provider or district from offering incentives to entice a student or a student's parent to choose a certain provider. The bill establishes procedures school districts must follow to notify parents regarding services for which their child is eligible; procedures for contracts with providers; and school district responsibilities for enrolling students. A provider that failed to comply with the requirements of the bill would be removed from the state-approved list for providers. The bill authorizes school districts to apply to the DOE for reallocation of unspent supplemental educational services funds. The State Board of Education may adopt rules to implement the provisions of the bill relating to supplemental educational services.

The DOE must establish a committee of practitioners as required by the federal No Child Left Behind Act, to review proposed rules and policies that will be considered by the State Board of Education, and the committee must report to the Governor and Legislative leaders by January 1.

School Wellness and Physical Education Policies

The bill requires school districts to submit to the DOE copies of the school wellness policies they are required to develop under the Child Nutrition and WIC Reauthorization Act of 2004. School districts must submit copies of their physical education policies to the DOE as well.

The DOE is required to post links on its website to resources for school districts and the public concerning classroom instruction on health-related topics and examples of school wellness policies for school districts, and other information related to school health policy and measures of school health.

The bill requires all physical education programs and curricula to be reviewed by a certified physical education instructor. The bill encourages each district school board to provide 150 minutes of physical education each week in kindergarten through 5th grade and 225 minutes each week in grades 6th through 8th.

The bill establishes minimum requirements for local school health advisory committee membership. The bill encourages school health advisory committees to address specific topics included in the coordinated school health program model.

Miscellaneous Provisions

The bill authorizes students to wear sunglasses, hats, or other sun-protective wear while outdoors during school hours. School districts are authorized to use federal funds to purchase food when federal guidelines permit such use of the funds. School districts are authorized to transport students in vehicles other than school buses when the trip is to another site in the district or for trips to and from agricultural education related events or competitions. The bill establishes requirements for the vehicle and driver when a passenger car, multipurpose passenger vehicle, or truck is used to transport students.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 119-0

HB 1221 — District School Boards/Chair

by Rep. Cannon and others (CS/CS SB 2252 by Ethics and Elections Committee; Education Committee; and Senator Webster)

The bill provides an alternative procedure for selecting a school board chair. The alternative procedure allows for the election of an additional member to the school board to serve as chair if the electors approve a proposition calling for the election of a district school board chair. In addition, the bill resolves tie votes in a district school board meeting in favor of the side on which the chair casts his or her vote. The bill applies to charter counties with a population of between 800,000 and 900,000, based on the last federal decennial census.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 25-12; House 85-26

HB 1243 — Education Personnel

by Rep. Mahon and others (SB 1148 by Senators King and Wise)

This bill provides that a regional professional development academy (academy) may receive funds from the Department of Education or under the General Appropriations Act if the academy is financed during the first year of operation by an equal or greater match from private funding sources and demonstrates the ability to be self-supporting within one year after opening. An academy may use funds to develop programs, expand services, or assess in-service training and professional development. Funds may also be used for other programs relating to the academy's

mission and the needs of the state and region. The bill provides that an academy is not a component of any school district or governmental unit to which it provides services.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 119-0

HB 7087 — Secondary School Reform

by PreK-12 Committee and Rep. Arza and others (CS/CS/SB 2048 by Education Appropriations Committee and Education Committee)

Secondary School Reform

The bill implements secondary school reform and requires middle and high schools to offer a rigorous, relevant curriculum in order to successfully prepare middle school students for high school coursework and to prepare high school students to effectively transition to postsecondary academics and the world of work. Reform efforts must be based on specific guiding principles and included in school improvement plans developed during the 2006-2007 school year. The bill requires mechanisms for credit recovery, alternative methods of instructional delivery, summer academies for struggling students, and appropriate academic and career planning. The bill also revises course weighting requirements, beginning with students entering grade 9 in the 2006-2007 school year, by eliminating honors courses from equal weighting with Advanced Placement (AP) and dual enrollment courses and adding International Baccalaureate and Advanced International Certificate of Education to an equal weighting level with AP and dual enrollment.

Middle school reform includes increased academic requirements, support mechanisms for struggling students, alternative curriculum delivery for non-traditional learners, acceleration opportunities for advanced students, and comprehensive career exploration to culminate in the development of individual academic and career plans prior to entry into the 9th grade. Each middle school is required under the bill to offer at least one high school level course for acceleration purposes. Requirements for promotion from middle to high school for students entering 6th grade in the 2006-2007 school year include:

- Three middle school or higher courses in English;
- Three middle school or higher courses in Math;
- Three middle school or higher courses in Social Studies to include the study of state and federal government and civics education;
- Three middle school or higher courses in Science; and
- One course in comprehensive career exploration to culminate in the development of a 4-to-5-year academic plan.

High school reform includes increased academic requirements and an emphasis on student pursuit of major and minor areas of interest based on individual student academic plans

developed in the middle grades. Reform must include small learning communities and industry-focused career academies to address the academic needs of struggling students, non-traditional learners, and those capable of advanced and postsecondary coursework. Requirements for graduation from high school for students entering high school in the 2007-2008 school year include:

- Four credits in English;
- Four credits in Math, one of which must be at the Algebra I level or higher;
- Three credits in Science, two of which must include a laboratory component;
- Three credits in Social Studies to include American history, world history, economics, and American government;
- One credit in fine arts;
- One credit in physical education to include the integration of health; and
- Eight credits in major and minor areas of interest or electives.

The bill requires that students scoring Level 1 on the Florida Comprehensive Assessment Test (FCAT) reading be provided with intensive reading courses and that students scoring Level 1 or 2 on FCAT Math and those scoring Level 2 in Reading be provided with remediation specific to identified skills gaps.

Professional Development for Teachers and Principals

The bill requires that comprehensive district professional development plans must focus on enhancing instructional strategies to promote rigor and relevance integrated throughout the curriculum and requires the school district to develop the system in consultation with postsecondary institutions, business representatives, local education foundations, education consortia and professional education organizations. School and district-based professional development programs must be based on an analysis of student achievement data, instructional strategies to support rigor and relevance, ongoing assessment of student achievement, enhancement of content area expertise, strategies to support reading in the content area, and integration of technology that enhances teaching and learning.

The bill creates the William Cecil Golden Principal Leadership Program to emphasize and support the principal's role as an instructional leader. The professional development program ties principal leadership training directly to effective school-based professional development and classroom instruction. The bill requires the Department of Education (DOE) to disseminate research-based professional development practices based on model frameworks developed by the Southern Regional Education Board, the National Staff Development Council, and the State Board of Education, and to provide support for a collaborative network of educational leadership organizations.

Review and Refinement of Florida's Sunshine State Standards

The bill requires a review of the state adopted standards to emphasize rigor and relevance and to include participation from instructional leaders, postsecondary instructors, and Florida's business community in the review and revision process.

Reading and Literacy

The bill provides for reading instruction to be funded through the Florida Education Finance Program (FEFP) and codifies the establishment of the Just Read, Florida! Office to support district implementation of comprehensive reading plans, train teachers and principals in reading research and instructional strategies, create multiple designations and credentials for reading teachers, review teacher certification exams, and to work with teacher preparation programs to ensure integration of reading research.

Exceptional Students (ESE)

The bill provides that the home state or parent of an out-of-state exceptional student who attends an in-state educational facility is responsible for the cost of such instruction or services. Under the bill, ESE students are required to take the FCAT unless exempted under the student's Individual Education Plan (IEP). A special exemption from testing requirements for graduation may also be granted in extraordinary circumstances by the Commissioner of Education. The bill requires the DOE to implement an alternative assessment for measuring the competency of students seeking a special diploma and requires the learning gains of exceptional students seeking a special diploma to be included in each school's school grade calculation by the 2009-2010 school year. The bill also specifies that accommodations that are not allowed during administration of the FCAT may be used during classroom instruction if the use of the accommodation is included in the student's IEP. The bill requires the DOE to develop in collaboration with school districts an electronic individual education plan (IEP) system for possible statewide use.

Paperwork Reduction

The bill supports the findings of the Paperwork Reduction Task Force, eliminating duplicative paperwork and data collection requirements and requiring school districts to appoint a teacher representative to gather suggestions from teachers on potential paperwork reduction solutions.

Other Education Issues

The bill implements educational reform by:

- Establishing the Ready to Work Initiative to evaluate skills and credentials to students in specific occupations through assessments;

- Providing that school districts may not be penalized for using co-teaching strategies under the class size requirements with certain limitations to ensure effective instruction;
- Establishing secondary school comprehensive career and professional academies to support learning and to prepare students for postsecondary education and careers;
- Raising the standard for eligibility for accelerated high school graduation options;
- Providing for alternative school rating and grading based on student learning gains;
- Revising the social studies requirements to emphasize civics education and American government and history;
- Requiring differentiated pay policies for instructional and administrative personnel beginning with the 2007-2008 school year;
- Providing that school districts may not begin the school year earlier than 14 days prior to Labor Day;
- Prohibiting a private entity from administering a failing alternative school if the entity changes the character of the student population;
- Providing flexibility to the Board of Governors or its designee in establishing tuition for graduate, professional, and out-of-state students;
- Requiring district school board approval of a staff development plan relating to effective implementation of newly adopted instructional materials programs; and
- Revising the deadline by which district school boards must act on superintendent's personnel nominations.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-1; House 90-24

SCHOOL CHOICE

HB 75 — McKay Scholarships/Disabilities

by Rep. Bilirakis and others (SB 1152 by Senators Haridopolos and Crist)

The bill revises the eligibility criteria for students to participate in the John M. McKay Scholarships for Students with Disabilities Program (the McKay program). In particular, the bill:

- Provides for the eligibility of students with dyslexia, dyscalculia, or developmental aphasia;

- Provides that hospitalized or homebound students are not eligible to participate in the program;
- Provides for the eligibility of students from the Florida School for the Deaf and the Blind, the method for calculating the scholarship amount, and the reporting requirements for school districts;
- Provides for the eligibility of students exiting a Department of Juvenile Justice (DJJ) commitment program, the method for calculating the scholarship amount, and the reporting requirements for school districts;
- Provides that a DJJ student may not receive a scholarship while he or she is enrolled in school in a commitment program; and
- Eliminates the provision authorizing partial payment of tuition.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 119-0

HB 135 — Charter Schools

by Rep. Greenstein and others (CS/CS/CS/SB 1030 by Education Committee; Education Appropriations Committee; Judiciary Committee; and Senator Wise)

This bill creates the Florida Schools of Excellence (FSE) as an independent, state-level entity to approve charter school applications, under the supervision of the State Board of Education.

FSE Membership

The State Board of Education staffs the FSE based on appointee recommendations by the Governor, Senate President, and House Speaker. Experience is required in finance, administration, law, education, or school governance, and members must hold, at minimum, a bachelor's degree.

Powers and Duties of the FSE

This bill grants the FSE the following powers and duties:

- Authorize and sponsor charter schools, and authorize municipalities, state universities, community colleges, and regional educational consortia to cosponsor charter schools;
- Conduct facility, curriculum, performance, and financial reviews of charter schools;
- Develop and promote best practices and charter school accountability;
- Actively seek supplemental funding;

- Focus on service to low-income, low-performing, gifted, and disabled populations;
- Train charter school governing bodies regarding best practices, public record requirements, and requirements of statute and State Board of Education Rules; and
- Provide optimal access to parents, including maintaining a user-friendly website.

Chartering Authority

Charter school applicants are authorized to apply to the FSE only if the local school district has not retained exclusive authority. Otherwise, the FSE and the school district share concurrent authority, with each entity responsible individually for the charter schools it approves.

Exclusive Authority

This bill authorizes a district school board to retain exclusive authority to authorize charter schools in its jurisdiction, upon a showing of fair and equitable charter school treatment within the past four years, and approval by the State Board of Education, subject to challenge.

Sponsor Immunity From Liability

Regarding acts or omissions not under the direct authority of sponsors, state civil immunity is granted to sponsors for personal injury, property damage, or death due to an act or omission of an officer, employee, agent, or governing body of the charter school act or omission, including employment actions.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 34-6; House 89-25

CS/CS/SB 256 — Scholarship Program Accountability

by Government Efficiency Appropriations Committee; Judiciary Committee; and Senators King, Wise, Atwater, and Crist

This bill provides for fiscal and academic accountability in the John M. McKay Scholarships for Students with Disabilities (McKay) Program and the Corporate Tax Credit Scholarship (CTC) Program. The bill revises the eligibility requirements for participating private schools to include criminal background checks of private school personnel, annual registration of schools, a notarized sworn compliance statement, and evidence of criminal background checks. In addition, private schools are subject to random site visits to verify compliance with criminal background screening requirements, fingerprint results, teacher credentials, and student attendance. The bill prohibits a home school from participating in the programs.

The bill provides the Department of Education (DOE) with additional authority and responsibilities for administering the programs, establishes a process for persons to notify the DOE of violations by private schools, and requires the DOE to investigate substantiated complaints. The bill requires the Commissioner of Education to deny, suspend, or revoke the participation of any private school that fails to meet the statutory requirements. A private school that is adversely affected by the denial, suspension, or revocation of participation in the McKay or CTC program may file for a hearing.

Under the bill, parents must endorse payment warrants and may not allow a private school to act as an attorney-in-fact for purposes of endorsement. A student may not simultaneously receive a scholarship under the McKay Program, the Opportunity Scholarship Program, or the CTC program.

Changes to the McKay Scholarship Program include the following:

- Providing for the eligibility of students with dyslexia, dyscalculia, or developmental aphasia, students from the Florida School for the Deaf and the Blind, students who participated in Department of Juvenile Justice (DJJ) commitment programs the previous year, and students who are developmentally delayed;
- Providing funding calculations for students who qualified for a McKay scholarship based upon their attendance at the Florida School for the Deaf and the Blind or a DJJ commitment program;
- Providing that hospitalized or homebound students are not eligible to participate in the program;
- Prohibiting scholarships for virtual schools, correspondence schools, or distance learning programs that receive state funding, or for students who do not have regular contact with their teachers at a school's physical location;
- Clarifying the obligations of school districts, private schools, parents, and students;
- Providing that a scholarship ends at age 22 or upon graduation from high school, whichever occurs first; and
- Prohibiting a public school district from modifying a student's matrix, except for technical and calculation edits.

Changes to the Corporate Tax Credit Scholarship Program include the following:

- Reducing the amount of credit set aside for small businesses from five percent to one percent;
- Requiring a nonprofit scholarship-funding organization (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 25 percent of the total contributions may be carried forward for scholarships to be granted in the following fiscal year;

- Authorizing a taxpayer to rescind its application for a CTC credit;
- Requiring an SFO to file its audit with the Auditor General and the DOE within 180 days after completion of the SFO's fiscal year;
- 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;
- Requiring an SFO to maintain separate accounts for scholarship funds and operating funds;
- Requiring criminal background checks of owners and operators of SFOs;
- Eliminating certain private schools such as correspondence schools and distance learning from the list of eligible private schools under the CTC program;
- Allowing current scholarship students to continue participating in the CTC program if parental income exceeds the current eligibility requirements, as long as the income does not exceed 200 percent of the federal poverty level;
- Allowing students who received a scholarship from the State of Florida the previous year to receive the same priority in awarding of scholarships as students who received a CTC scholarship the previous year, subject to the low-income eligibility requirements under the CTC 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;
- Increasing the CTC tuition scholarship amount from \$3,500 to \$3,750; and
- Requiring a public university or other independent research entity to report year-to-year improvements in student performance without disclosing a student's identity.

If approved by the Governor, these provisions take effect July 1, 2006, except as otherwise provided.

Vote: Senate 37-0; House 95-21

SB 1282 — K-8 Virtual School Program

by Senators Carlton, Bullard, Bennett, Baker, Diaz de la Portilla, Constantine, Fasano, Webster, King, Posey, and Haridopolos

This bill establishes the K-8 Virtual School Program to deliver academic instruction using online and distance learning technology to full-time students in kindergarten through eighth grade. The bill provides program requirements for student and school eligibility, conditions for participating in the program, funding, and student assessment. The bill also provides for school accountability and grounds for nonrenewal and termination of contracts with participating schools. Finally, the bill provides for the continued participation of current K-8 virtual schools.

Student Eligibility

The bill provides that any K-8 student in Florida is eligible to enroll in a participating K-8 Virtual School, if the student meets one of the following conditions:

- The student has spent the prior school year in attendance at a Florida public school and was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys;
- The student was enrolled during the prior school year in a K-8 virtual school funded by law or the 2005 General Appropriations Act;
- The student is eligible to enroll in kindergarten or the first grade; or
- The student has a sibling who is currently enrolled in a K-8 virtual school and was enrolled at the end of the prior school year.

Students enrolled in a K-8 virtual school are subject to the compulsory school attendance requirements of s. 1003.21, F.S., and must take the statewide assessments required under s. 1008.22, F.S. The bill requires the student's school district of residence to provide the student with access to the district's testing facilities.

School Eligibility

To participate in the K-8 Virtual School program, a school may be a for-profit or nonprofit entity and must meet all of the following conditions:

- Be nonsectarian in its programs, admission policies, employment practices, and operations;
- Comply with the antidiscrimination provisions of s. 1000.05, F.S.;
- Participate in the state's performance accountability system pursuant to s. 1008.31, F.S.;
- Locate its administrative office in the state;

- Require all administrative and instructional personnel to be Florida residents; and
- Require no tuition or student registration fee.

Under the bill, virtual schools are independent schools that provide instruction on behalf of the state for 180 days of full-time instruction. All participating schools must provide each student with all necessary instructional materials and equipment.

Assessment Accountability

Schools must participate in the statewide assessments and are subject to the school grading system provisions in s. 1008.34, F.S. A participating school that is designated with a performance grade of “D” or “F” must develop and file a school improvement plan with the Department of Education (DOE). If a school is designated with a performance grade of “D” or “F” for 2 school years in a consecutive 4-year period, the DOE must terminate the contract with the school.

Funding

Funding must be based on a total program enrollment and the amount per full time equivalent that is established in the General Appropriations Act. Funds must be disbursed according to the schedule specified in the bill. Payment is contingent upon verification of student enrollment and attendance.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 108-9

HB 7103 — Charter Schools

by Choice and Innovation Committee and Rep. Stargel and others (CS/SB 2424 by Education Committee and Senator Webster)

This bill amends the Financial Emergencies Act to include procedures and requirements to assist charter schools whose financial conditions are deteriorating. In general, the bill would ensure charter school financial information is provided by an auditor in a timely fashion and is available to the members of a charter school’s governing board. Duties and certain procedural requirements for the governing board of a charter school are detailed.

The bill also makes changes for charter schools in the areas of charter applications, reviews, and appeals, sponsor duties, causes for termination and nonrenewal of a charter, and facilities. Specifically, the bill provides for the following:

- Granting a 15-year charter renewal for high performing and fiscally solvent charter schools;

- Imposing a series of escalating requirements to assist low performing schools;
- Requiring conversion charter schools to use facilities that comply with the State Requirements for Educational Facilities, if agreed to by the school district and the school; and
- Authorizing school boards, at their discretion, to levy the two mills for district schools, including charter schools.

The Legislature must review the operation of charter schools during the 2010 legislative session.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 38-1; House 112-3

POSTSECONDARY EDUCATION AND FINANCIAL AID

CS/SB 122 — Tuition Waivers/Purple Heart

by Education Appropriations Committee and Senators Fasano, Lynn, Atwater, and Crist

This bill provides an undergraduate tuition fee waiver to recipients of Purple Hearts or other superior combat decorations. The student is authorized to use the fee waiver at state universities or community colleges. To qualify, the recipient must comply with the following conditions:

- Be enrolled full-time, part-time, or as a summer school student in an undergraduate program that culminates in a degree or certificate;
- Qualify as an in-state resident, both currently and at the time of military action resulting in the decoration or award; and
- Provide the state university or community college with the DD-214 form issued at the time of separation from service, to demonstrate receipt of the award.

The fee waiver is applicable for 110 percent of the number of required credit hours of the degree or certificate program in which the student is enrolled.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 38-0; House 118-0

HB 263 — Florida Prepaid College Program

by Rep. Meador and others (CS/CS/SB 550 by Education Appropriations Committee; Education Committee; and Senators Baker, Diaz de la Portilla, and Campbell)

This bill renames the Florida College Prepaid Program as the Stanley G. Tate Florida Prepaid College Program (Florida Prepaid). Options are expanded for students to use their Florida Prepaid funds at for-profit independent colleges and universities, provided that the schools meet the same requirements as qualifying not-for-profit institutions. For-profit institutions that advertise are required to include a disclaimer of endorsement where the advertisement references Florida Prepaid.

The Florida Prepaid Scholarship Program is also extended to allow funds to be used for other scholarship programs, provided they are approved by the Florida Prepaid College Board, and that matching funds are obtained only from the private sector. Regarding the scholarship program, this bill:

- Clarifies that the direct-support organization created by the Florida Prepaid College Board (Board) administers the Florida Prepaid Tuition Scholarship Program;
- Requires the Board to establish criteria for the approval of additional scholarship programs funded through escheated funds; and
- Requires the direct-support organization's annual report to include a list of additional approved scholarship programs, description of the programs, and the amount of escheated funds used to fund the programs.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 38-0; House 113-1

HB 795 — Student Financial Assistance

by Rep. Flores and others (CS/CS/SB 1750 by Education Appropriations Committee; Education Committee; and Senators Lawson, Bullard, Lynn, Miller, Wilson, Dawson, and Hill)

This bill creates the First Generation Matching Grant Program to provide state university matching grants to undergraduate students who demonstrate financial need, meet eligibility requirements, and whose parents have not earned a baccalaureate degree or higher.

The bill provides that the amount of the grant award shall be based on the student's need assessment after other awarded scholarship or grant aid has been applied. An award may not exceed the institution's estimated annual cost of attendance for the student to attend the institution.

The bill allows for certain costs associated with adult norm-referenced testing accommodations for students with documented learning disabilities under the Individuals with Disabilities Education Improvement Act of 2004 or the Americans with Disabilities Act of 1990.

The bill provides for a recurring appropriation of \$6.5 million from the General Revenue Fund for the First Generation Matching Grant Program.

The bill also provides that first-generation community college students may be eligible for a scholarship under the Dr. Philip Benjamin Matching Grant Program.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 112-3

CS/SB's 1086 and 1604 — Building Designations

by Governmental Oversight and Productivity Committee and Senators Jones, Lawson, Campbell, and Aronberg

This bill authorizes the naming of buildings and facilities for individuals associated with universities and state facilities. Specifically, this bill names buildings at Florida State University (FSU) for five individuals: the “Reubin O’D. Askew Student Life Center;” the “Sherrill Williams Ragans Hall;” the “John Thrasher Building;” the “Mike Martin Field at Dick Howser Stadium;” and the “JoAnne Graf Field.” An entrance pavilion at the John and Mable Ringling Museum of Art at the FSU Center for Cultural Arts in Sarasota is named the “John M. McKay Visitors’ Pavilion.”

The bill names buildings at the University of Florida for two individuals: the “Steinbrenner Band Hall” and the “L.E. ‘Red’ Larson Dairy Science Building.” The bill designates a laboratory for the College of Engineering as the “Powell Family Structures and Materials Laboratory” and a proposed building to house the Bob Graham Center and other programs as the “Jim and Alexis Pugh Hall.”

Four buildings associated with Florida Agricultural and Mechanical University (FAMU) are named for individuals: the “Sybil C. Mobley Business Building;” the “Margaret W. Lewis/Jacqueline B. Beck Allied Health Building;” the “Walter L. Smith Architecture Building;” and the “Carrie Meek/James N. Eaton, Sr., Southeastern Regional Black Archives Research Center and Museum.” The FAMU-FSU College of Engineering Building is named as the “Herbert F. Morgan Building.”

Under the bill, four buildings associated with Florida Gulf Coast University are named for individuals: the “Kleist Health Education Center;” “Herbert J. Sugden Hall;” “Holmes Hall;” and “Lutgert Hall.” The bill names the new alumni center at Florida Atlantic University’s Boca

Raton campus as the “Marleen and Harold Forkas Alumni Center” and the art museum on the campus of Florida International University as the “Patricia and Phillip Frost Art Museum.”

The building which will house the Children’s Medical Services of the Department of Health on the University of South Florida (USF) campus is named the “John S. Curran, M.D., Children’s Health Center.” The bill designates Coquina Hall on the campus of USF St. Petersburg as “H. William Heller Hall.”

The bill also makes the following designations:

- “William W. ‘Bill’ Hinkley Center for Solid and Hazardous Waste Management” in Gainesville;
- “Hodges Stadium” at the University of North Florida; and
- “Joseph P. D’Alessandro Office Complex” in Fort Myers.

If approved by the Governor, these provisions take effect July 1, 2006, with the exception of the provisions for Dr. Curran and Dr. Heller, which take effect upon the effective date of the their retirement, resignation, or termination of employment with USF and USF St. Petersburg, respectively.

Vote: Senate 35-0; House 119-0

HB 1237 — Postsecondary Education Programs

by Rep. Mealor and others (CS/CS/SB 2084 by Education Appropriations Committee; Commerce and Consumer Services Committee; and Senators Alexander, King, Klein, Crist, and Lynn)

The bill creates the 21st Century Technology, Research, and Scholarship Enhancement Act.

The bill creates three programs:

- The 21st Century World Class Scholars Program to provide state matching funds to attract to a Florida research university or center a principal researcher/investigator who has high academic credentials and demonstrated competence;
- The Centers of Excellence Program to foster and promote the research required to develop commercially-promising, advanced, and innovative science and technology and to transfer those discoveries to commercial sectors; and
- The State University System Research and Economic Development Investment Program, to provide matching funds to eligible institutions to construct and acquire research facilities and specialized equipment to support research and foster economic development.

The bill establishes the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System (BOG) to recommend to the BOG methods for implementing and administering two of the programs created in the bill, the 21st Century World Class Scholars Program and the Centers of Excellence Program. The BOG must provide staff support and other support for the 11-member board. The Governor must appoint five members to the board, one of whom the Governor must appoint as the chair. The President of the Senate and the Speaker of the House of Representatives must each appoint three members to the board. The board must submit to the Governor and Legislative leaders an annual report, in cooperation with the BOG and the state universities or research centers receiving funding under this bill. The report must include a copy of an independent audit of the board.

To be eligible for matching funds from the 21st Century World Class Scholars program, a state university must raise a minimum of \$1 million. The following entities may submit proposals for a center of excellence:

- Any state university;
- Any private university;
- The H. Lee Moffitt Cancer Center and Research Institute;
- The Florida Institute for Human and Machine Cognition, Inc.; and
- Any community college, training center, or other public or private research center in Florida that coordinates with a state university for that purpose.

The eligibility criteria for the State University System Research and Economic Development Investment Program are established at Level 1 and Level 2. To be eligible for Level 1 funding, a university must:

- Award more than 250 nonprofessional doctoral degrees;
- Have more than 200 postdoctoral appointees in science and engineering;
- Have an undergraduate graduation rate of 40 percent or higher;
- Expend at least \$100 million from externally awarded contracts and grants;
- Have a record of securing patents and licenses leading to products in the marketplace over the past five years;
- Have at least 75 percent of the freshman class eligible to receive Bright Futures Scholarships; and
- Be classified as a research university with very high research activity according to the 2005 Carnegie Classifications.

To be eligible for Level 2 funding, a university must:

- Expend at least \$100 million from externally awarded contracts and grants;

- Have a record of securing patents and licenses leading to products in the marketplace over the past five years;
- Have at least 75 percent of the freshman class eligible to receive Bright Futures Scholarships; and
- Be classified as a research university with very high research activity according to the 2005 Carnegie Classifications.

A university may not participate in Level 1 and Level 2 funding simultaneously.

The bill appropriates \$95 million to the Board of Governors of the State University System for FY 2006-2007 for the following purposes:

- \$20 million for the 21st Century World Class Scholars Program;
- \$30 million to the Centers of Excellence Program;
- \$36.5 million for funding Level 1 of the State University System Research and Economic Development Investment Program; and
- \$8.5 million for funding Level 2 of the State University System Research and Economic Development Investment Program.

The bill appropriates \$8 million to the University of South Florida for FY 2006-2007 for enhancing graduate programs.

The bill also appropriates \$5 million to the State Board of Education for FY 2006-2007 for the Dr. Philip Benjamin Matching Grant Program for Community Colleges to match donations for scholarships for first-generation-in-college students.

The bill creates two medical schools, one at the University of Central Florida and one at Florida International University.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 113-0

SB 2434 — Travel to Terrorist States

by Senator Haridopolos

The bill prohibits a community college or state university from using certain funds to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of, activities related to, or involving, travel to a terrorist state. The bill also prohibits a private college or university in Florida that receives state funds from using those funds for travel to a terrorist state. The bill defines a "terrorist state" as any state, country, or nation designated by the United States Department of State as a state sponsor of

terrorism. Currently, the State Department assigns that designation to six countries: Cuba, Iran, Libya, North Korea, Sudan and Syria.

The bill also prohibits the authorization of state-funded travel expenses for public officers or employees for implementing, organizing, directing, coordinating, or administering activities related to or involving travel to a terrorist state.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 37-0; House 120-0

HB 7063 — Open Government Sunset Review/Alzheimer's Center and Research Institute

by Governmental Operations Committee and Rep. Rivera (CS/SB 2066 by Governmental Oversight and Productivity Committee and Education Committee)

This bill reenacts the public records exemption for the Alzheimer's Center and Research Institute. The public records exemption is revised to remove information that is already confidential and exempt by other statutory provisions.

If approved by the Governor, these provisions take effect October 1, 2006.

Vote: Senate 40-0; House 120-0

SCHOOL HEALTH AND SAFETY

HB 127 — Immunizations

by Rep. Hays and others (CS/SB 2688 by Education Appropriations Committee and Senator Haridopolos)

The bill requires the Department of Education (DOE) to include information about the immunizations that are required for school entry and the recommended immunization schedule in the guidelines it develops for a parent guide to successful student achievement. The guidelines must also include resources for information on student health and other available resources for parents. The guidelines must provide detailed information on meningococcal disease including, causes, symptoms, transmission, and vaccinations in accordance with recommendations of the Advisory Committee on Immunization Practices of the U.S. Centers for Disease Control and Prevention. The school districts must disseminate a parent guide consistent with the DOE guidelines. The governing authority of each private school must provide the same immunization information.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 119-0

HB 1291 — Weapons

by Rep. Poppell and others (SB 2438 by Senator Haridopolos)

This bill revises the definition of a weapon pursuant to s. 790.001(13), F.S., to include the term knife and to exclude plastic knives or blunt-bladed table knives so that a student would not commit a third-degree felony for possessing a plastic or blunt-bladed table knife on school grounds.

The bill expands the prohibition on exhibiting a weapon or other certain items in a rude, careless, angry, or threatening manner to include a common pocketknife on school grounds or within 1000 feet of school real property.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 119-0

ATHLETICS

HB 7119 — Student Athlete Recruiting

by PreK-12 Education Committee and Rep. Arza and others (CS/SB 2558 by Education Committee and Senator Saunders)

The bill delays the effective date until July 1, 2007, for implementing the Florida High School Athletic Association's (FHSSA) revised bylaws for the residence and transfer of student athletes. The bill also creates a student athlete recruiting task force to review issues related to recruiting secondary school student athletes. The bill provides for the appointment of task force members and staff for the task force. The task force's recommendations must be submitted to the presiding officers of the Legislature and the Governor by January 1, 2007.

In addition, the Office of Program Policy Analysis and Government Accountability (OPPAGA) must independently review secondary school recruiting violations among FHSSA's member schools. To support the task force's work, the bill provides an appropriation of \$60,000 from General Revenue to fund OPPAGA in 2006-2007.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 108-0