

INSTRUCTIONAL ENHANCEMENT

CS/CS/SB 1232 — Career and Professional Education

by Education Pre-K-12 Appropriations Committee; Education Pre-K-12 Committee; and Senator Gaetz

This bill creates the Florida Career and Professional Education Act to provide a statewide planning partnership between business and education communities, to expand and retain high-value industry, and sustain a vibrant state economy. Career and professional academies would enable students to matriculate easily to both postsecondary education and the workforce. Participating public high schools would be required to offer a rigorous and relevant curriculum that leads to 1) industry-recognized certification in high-demand occupations; 2) the award of a standard high school diploma; and 3) opportunities for high school students to simultaneously earn college credit.

School districts must develop, in collaboration with local workforce boards and the postsecondary community, strategic 5-year plans that objectively address the needs of local and regional workforce through the development and implementation of academies. Two or more school districts are authorized to collaborate in developing and offering career academies, provided the strategic plan is approved by the Agency for Workforce Innovation (AWI) and certain requirements are met. The strategic plan must include provisions for at least one career and professional academy to be operational in the school district at the beginning of the 2008-2009 school year.

The State Board of Education must establish an expedited process for the continuous review of newly proposed rigorous and relevant core high school courses and decisions regarding course eligibility must be made within 60 days. Approved courses would be included in the Course Code Directory and also considered for possible dual enrollment and postsecondary credit.

The bill requires AWI to identify appropriate industry certification based on the highest national standards available. Local work force boards and academies may request additions to the list of industry certifications, provided requests are based upon high-demand labor needs of the regional workforce economy. The AWI will publish annually an updated list of industry certifications to be used within the career academies.

The Department of Education must work with Workforce Florida and Enterprise Florida in the collection and analysis of academic achievement and performance data of academy students. An evaluation plan and self-assessment tool would be required to determine outcomes such as graduation rates, achievement of industry certification, postsecondary enrollment, satisfaction of business and industry, employment rates, earnings, and awards of scholarships and postsecondary credit.

Finally, the Florida Education Finance Program (FEFP) is revised to provide supplemental weighted funding for students enrolled in career and professional academies, provided the instruction leads to industry certification for enrolled students upon academy completion.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 33-4; House 117-0

CS/HB 1161 — High School to Business Career Enhancement Act

by Schools and Learning Council and Rep. Ambler and others (CS/CS/SB 2458 by Education Pre-K – 12 Appropriations Committee; Education Pre-K – 12 Committee; and Senators Crist, Deutch, Joyner, and Justice)

This bill creates the High School to Business Career Enhancement Act and encourages district school boards to adopt policies to allow internships for high school students through employers that partner with the school district. High school internships must be consistent with the career goals of each student participant. At the conclusion of the internship, a student evaluation must be conducted to monitor the academic value of the internship.

Qualified internships must last a minimum of eight weeks but no more than 20 consecutive weeks, and would allow students to work up to 20 hours per week. A student may only participate in one internship per year.

School districts may authorize up to 100 internships each school year. The number of interns per employer is contingent upon the number of employees of the employer, with a maximum of four interns allowed.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 110-0

CS/CS/HB 967 — Physical Education

by Policy and Budget Council; Schools and Learning Council; and Rep. Weatherford and others (CS/CS/SB 2746 by Health Policy Committee; Education Pre-K-12 Committee; and Senators Constantine and Crist)

The bill requires each district school board to provide 150 minutes of physical education each week for students in kindergarten through grade 5. The elementary school principal may designate any instructional personnel to provide the physical education.

The bill defines the term physical education to mean “the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance; the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being.”

The Commissioner of Education must prominently post on the department's website links to the department's internet-based clearinghouse for physical education professional development, school wellness and physical education policies and related information, and other Internet sites that provide professional development for elementary teachers of physical education. The links must provide elementary teachers with information concerning current physical education and nutrition philosophy and best practices.

The bill requires the Department of Education to review and revise the Sunshine State Standards related to physical education skills during the 2007-2008 school year to reflect state-of-the-art philosophy and practice. The revised standards must emphasize the role of physical education in promoting the knowledge, skills, and attitudes that prepare students to make healthy lifelong nutrition and physical fitness choices.

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

Vote: Senate 39-0; House 118-0

MERIT AWARDS AND INCENTIVES

CS/CS/SB 1226 — Merit Award Program/School Board Employees

by Education Pre-K – 12 Appropriations Committee; Education Pre-K – 12 Committee; and Senators Gaetz, Rich, Lynn, and Alexander

The bill (Chapter 2007-3, L.O.F.) creates a voluntary performance pay program, the Merit Award Program for instructional personnel and school-based administrators. In order to be eligible for funding under the program, school districts must adopt plans that would designate the outstanding performers, who would receive a merit-based pay supplement of at least 5 percent, but no more than 10 percent of the district's average teacher's salary. School districts would determine eligibility for the merit-based pay supplement based upon student academic proficiency, learning gains, or both as measured by statewide standardized assessments and local district-determined assessments, as well as other performance factors. At least 60 percent of the overall personnel evaluation must relate to student performance and up to 40 percent must relate to professional practices, including the ability to implement differentiated instruction strategies to meet student needs for remediation or acceleration and the ability of administrators to manage so as to maximize resources used for direct instruction.

Beginning with the 2007-2008 school year, participating school districts must be able to administer end-of-course examinations based on the Sunshine State Standards. The statewide standardized assessment, the College Board Advanced Placement Examination, the International Baccalaureate Education Examination, the Advanced International Certificate of Education examination, or examinations resulting in national industry certification recognized by the Agency for Workforce Innovation satisfy the end-of-course examination requirement.

The bill sets forth the components of plans, allows the participation of charter schools, provides for an annual compliance review by the Commissioner of Education, and requires status reports to the Legislature and the Governor on the implementation of pay plans.

The bill repeals the Special Teachers are Rewarded (STAR) proviso and reappropriates \$147,500,000 to the Department of Education (DOE) for FY 2006-2007 to allocate to school districts for performance pay. A district must use the funds for the following purposes:

- To fund a STAR performance pay plan;
- To fund a performance pay plan adopted under s. 1012.22, F.S., if a district amends the plan to conform to the bill related to eligibility criteria, pay structure, and assessments. Otherwise, a district may only disburse an amount equal to what the district disbursed under the plan for the 2005-2006 school year; or
- To fund a performance pay plan approved by the district school board under the provisions of the bill.

These provisions became law upon approval by the Governor on March 29, 2007.

Vote: Senate 39-0; House 110-4

CS/CS/SB 450 — Florida Teachers Lead Program Stipend

by Education Pre-K-12 Appropriations Committee; Education Pre-K-12 Committee; and Senators Rich, Bullard, Gaetz, Wilson, Wise, Lynn, and Alexander

This bill would expand eligibility for the Florida Teachers Lead Program Stipend that provides funds to full-time certified classroom teachers for the purchase of classroom materials and supplies to be used for instruction. Under the bill, certified, full-time teachers of prekindergarten students who are funded through the Florida Education Finance Program (FEFP) and certified, full-time teachers in public charter schools would become eligible for the Florida Teachers Lead Program Stipend. A job-share classroom teacher who shares a full-time equivalent position with another teacher for the same teaching assignment would be eligible to receive a prorated share of the stipend.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 119-0

SCHOOL DISTRICT FLEXIBILITY

CS/HB 511 — School Districts

by Schools and Learning Council and Rep. Kendrick and others (CS/SB's 574 and 1228 by Education Pre-K – 12 Appropriations Committee; Education Pre-K – 12 Committee; and Senators Bennett, Gaetz, Lynn, and Crist)

High Performing Districts

The bill provides for designating academically high-performing school districts, which must meet the following criteria:

- Earn a district grade of “A” for two 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; and
- Have no material weaknesses or instances of material noncompliance noted in the annual financial audit.

The designation may be retained for three years, if the district complies with all the initial eligibility criteria and earns at least a grade of “A” for two 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.

An academically high-performing school district is exempt from 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 through the state depository; and restrictions relating to the use of 50 percent of the instructional materials allocation.

The bill also provides for renewing the designation at the end of three years and specifies a district's requirements for reporting academic performance to the State Board of Education (SBE) and the Legislature.

Discretionary Capital Improvement (2-mill) Flexibility

The bill authorizes districts to use the 2-mill discretionary capital improvement millage for the payment of premiums for property and casualty insurance for the purpose of insuring the educational and ancillary plant if the district meets all of the following:

- Has met class size reduction requirements for the current year;

- Has received an unqualified opinion on its financial statements for the preceding three years;
- Has no material weakness or instances of material noncompliance noted in an audit for the preceding three years; and
- Certifies to the Commissioner of Education that all of the district’s instructional space needs for the next five years can be met from capital outlay sources the district reasonably expects to receive during the next five years from local revenues and from currently appropriated state facilities funding or from alternative scheduling or construction, leasing, rezoning, or technological methodologies that exhibit sound management.

The bill provides that operating revenues that are made available through the payment of property and casualty insurance premiums from funds generated through the 2-mill may be expended only for nonrecurring operational expenditures of the school district.

The bill provides that before a district school board may levy discretionary millage for the payment of property and casualty insurance premiums it must publish notice as provided in law.

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

Vote: Senate 39-0; House 119-0

CS/SB 2092 — Education

by Education Pre-K – 12 Committee and Senators Deutch and Crist

Charter Districts

The bill extends the charter school district pilot program until July 1, 2010, for Palm Beach, Hillsborough, Orange, and Volusia County School Districts.

Charter Schools

Good cause is restored as a requirement in law for a sponsor of a charter school to deny a charter application. Charter schools must operate for at least three years, rather than two years, and demonstrate exemplary academic programming and fiscal management to be eligible for a 15-year charter renewal. The governing body of a charter school must participate in governance training approved by the Department of Education (DOE). Finally, charter school facilities are exempted from assessments for special benefits. This provision applies retroactively to July 1, 1996.

Department of Education Reorganization

The bill creates the Division of Finance and Operations and the Division of Workforce Education within the DOE and allows the director of each division in the department to be designated as a “Deputy Commissioner or a “Chancellor.” Additionally, the Commissioner of Education is

authorized to organize and assign DOE staff and functions in a manner that meets legislative intent and promotes efficiency and accountability.

School Board Member Salaries

The method for determining the salaries of school board members is revised. A salary schedule is established in law and is based upon a classification system that uses countywide population.

Merit Award Program

For the Merit Award Program, the bill provides for payment to those outstanding performers who retired after qualifying for the award of a merit-based pay supplement.

K-12 Graduation Requirements, Credit Recovery, and Grade Forgiveness

The bill makes changes to the high school graduation requirements. Under the bill, speech and debate meet the one-credit requirement in fine or performing arts. Participation in an interscholastic sport at the varsity or junior varsity level for two full seasons satisfies the one-credit requirement for physical education, if the student successfully passes a competency test on personal fitness. Additionally, participation in marching band, dance, and Reserve Officer Training Corps (R.O.T.C.) may be used under certain circumstances to satisfy the physical education or performing arts credit requirements.

The bill revises the grade forgiveness provisions for high school and middle school students. Grade forgiveness policies for required courses are limited to replacing a grade of “D” or “F” with at least a “C” grade that is subsequently earned in the same or comparable course. For elective courses, a grade of “D” or “F” may be replaced with at least a “C” grade that is subsequently earned in another course. There is an exception to the grade forgiveness policy for certain middle school students who take any high school course for high school credit. Under a grade forgiveness policy, only new grades may be used to calculate a student’s grade point average. Grades that are not replaced under a forgiveness policy must be included in calculating the cumulative grade point average required for high school graduation.

Department of Juvenile Justice Commitment Facility School Assessments

An assessment of a student who is sent directly to a commitment facility must occur within the first 10 school days, rather than the first week of the student’s commitment.

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

Vote: Senate 39-0; House 116-0

TARGETED ASSISTANCE FOR TEACHERS AND STUDENTS

CS/SB 108 — Minority and Underrepresented Student Achievement

by Education Pre-K – 12 Committee and Senators Hill and Crist

The bill requires the Florida Partnership for Minority and Underrepresented Student Achievement (Partnership) to work with school districts on the following activities:

- Identify minority and underrepresented students for participation in Advanced Placement (AP) and other advanced courses; and
- Provide information to students and parents regarding opportunities to take AP and other advanced courses, and the advantages of doing so.

The Partnership is tasked with providing information to students, parents, teachers, counselors, administrators, school districts, community colleges, and state universities regarding opportunities to take the PSAT/NMSQT or PLAN, and the value of doing so. The bill also requires the Partnership, in cooperation with the DOE, to provide information about its activities to administrators, teachers, and counselors.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 35-0; House 119-0

HB 1421 — Digital Divide Council

by Rep. Brise and others (SB 2304 by Senators Wilson and Crist)

This bill reestablishes and moves the Digital Divide Council (Council) to the Department of Education. The Council's membership is revised, and the Council must meet every 90 days. The bill eliminates restrictions relating to pilot program status to allow Council programs to be implemented statewide.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 116-0

CS/SB 2512 — English for Speakers of Other Languages/Educators

by Education Pre-K – 12 Committee and Senators Wise, King, Lynn, Gaetz, and Crist

This bill establishes in-service requirements for teachers of English for Speakers of Other Languages (ESOL). The bill specifies that a teacher providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 in-service hours or the equivalent;

- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 in-service hours or the equivalent;
- Instructor teaching subject areas other than Basic ESOL or basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-0; House 109-5

STUDENT SAFETY

CS/HB 461 — High School Athletics/Drug Testing

by Schools and Learning Council and Rep. Llorente and others (CS/SB 2200 by Judiciary Committee and Senator Villalobos)

Contingent upon funding by the Legislature, this bill requires the Florida High School Athletic Association (FHSAA) to implement a 1-year anabolic steroid testing program for 9th through 12th grade student athletes who participate in football, baseball, or weightlifting competitions at member schools. Public and private schools must consent to the program as a prerequisite to membership in FHSAA under this bill.

The FHSAA board of directors is required to contract with an accredited testing agency. Regarding actual testing, the bill requires that the names of all competing students be provided by each member school to the FHSAA, which will forward the names to the testing agency. From this group, a maximum of 1 percent of students must be randomly tested. To compete in football, baseball, or weightlifting, students are required to consent to testing in writing.

The bill provides that an athlete who tests positive for steroids must be suspended from all athletic competition and practice for 90 days and may not be reinstated until he or she tests negative for steroids. Additionally, an athlete who tests positive for steroids will be subject to repeated tests for the duration of his or her high school athletic eligibility.

The bill specifies procedures for an appeal of the test findings, and authorizes challenges to findings and penalties by the member school or the student. The FHSAA is required to provide to the Legislature a report on the steroid testing program by October 1, 2008.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 119-0

CS/HB 463 — Public Records/Drug Test/High School Athletics

by Schools and Learning Council and Rep. Llorente and others (SB 2202 by Senator Villalobos)

The bill creates an exemption from the Public Records Law for records related to drug tests pursuant to the one-year random drug testing program for the use of anabolic steroids by high school student athletes in grades 9 through 12 who participate in football, baseball, and weightlifting competitions under the Florida High School Athletic Association (FHSAA). Additionally, records relating to challenge or appeal proceedings are exempt. The information may only be disclosed to the FHSAA, the student, the student's parent, the student's school, and the administration of any school to which the student transfers during a suspension from interscholastic athletics resulting from a positive finding. The bill creates an exemption from the Public Meetings Law for the portions of meetings at which exempt records are discussed. The exemptions are scheduled to repeal on October 2, 2012, in accordance with the Open Government Sunset Review Act.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 119-0