

EMERGENT DESIGN AND DEVELOPMENT

Legislative Update – Final for 2009 Session

July 1, 2009

FINAL BILL RESULTS

We began the 2009 Legislative Session by tracking approximately 300 education bills, of which 29 passed both Houses of the Florida Legislature. The Governor has signed all 29 into law. He did not veto any of the education-related bills that we were tracking. Each of the bills is linked to the legislative web site, which will enable you to read or print out the bill. If you have specific questions, please email us. (Bedford@nettally.com). Please note that many of these bills will require School Board Policy changes.

THE SIGNIFICANT BILLS

SB 1676 (signed into law) Relates to Conforming Legislation, which has the effect of changing Florida Statute. This bill resulted in at least 60 changes in statute. This was somewhat unusual since historically, the conforming bill only addresses legislation passed during the session. This bill addressed many other issues. <http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1676er.pdf>

This bill is where you can find changes relating to:

- Delay of class size reduction for one more year (also a change in the penalty formula)
- Changes in the virtual school law (at least 12 changes)
- Pre-K clarifications
- New school food service requirements
- Changes in FIRN
- Salary adjustments for School Boards and Superintendents
- Flexibility in the 180 day student year and the 196 day teacher year
- Reduction in capital millage by .25 mill, while creating availability of a new .25 mill levy
- Teachers may voluntarily waive recognition of in-state experience
- Repeals the requirement to recognize out-of-state experience
- Changes the definition of instructional materials (broadens the definition beyond text books)
- Sets specific requirements in an effort to limit out-of-state travel and cell phone expense

Sets specific requirements for the length of contracts for school administrators

Extends instructional materials flexibility to March 1, 2010

Removes the \$100 Fee cap for teacher exams

HB 479 (signed into law) Relates to retirement benefit limitations. (This bill is being called the “double dipping” bill) It is important that all educators understand this law. School districts will be sending you information on how it will impact you. If you are close to retirement or in DROP you need to understand the ramifications of this bill.

The bill maintains the current system for all retirees, if the retirement occurs prior to July 1, 2010. However, if rehired after July 1, 2010, you cannot rejoin FRS.

If you retire after July 1, 2010, you cannot work for a FRS employer for 6 months and you cannot receive retirement checks for months 7-12. You cannot reenter FRS.

Employees enrolled in the PEORP program that withdraw benefits, may not reenter any retirement program. <http://www.flSenate.gov/data/session/2009/House/bills/billtext/pdf/h047906er.pdf>

HB 991 (signed into law) Relates to differentiated accountability. All schools, not just Title 1 will be held to the standards of No Child Left Behind. DOE will categorize all schools based upon a combination of the State system and this Federal requirement.

The lowest levels of schools will receive intensive intervention. The DOE will be actively involved with identification and interventions.

<http://www.flSenate.gov/data/session/2009/House/bills/billtext/pdf/h099104er.pdf>

The DOE press release is found here. http://www.fldoe.org/news/2009/2009_06_25.asp

Current school grades can be found at <http://schoolgrades.fldoe.org/>

SOME OTHER BILLS WITH INTEREST

HB 135 (signed into law) exempts personal identifying information of dependent children of employees from public records requests.

<http://www.flSenate.gov/data/session/2009/House/bills/billtext/pdf/h013502er.pdf>

SB 216 (signed into law) Relates to campaign funding for a referendum by local governments or public funds. <http://www.flSenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0216er.pdf>

HB 227 (signed into law) Requires the government (School Board) to prove, by a preponderance of the evidence that any impact fee meets the state requirements

<http://www.flSenate.gov/data/session/2009/House/bills/billtext/pdf/h022705er.pdf>

SB 278 (signed into law) holds charter schools to the same financial emergency statutes and laws as Public schools. <http://www.flSenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0278er.pdf>

SB 316 (signed into law) authorizes the Commissioner of Education to award a standard high school diploma to honorably discharged veterans of the Vietnam War.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0316er.pdf>

SB 360 (signed into law) Relates to growth management. This bill is designed to make it easier for agencies to develop and implement land use plans. It was passed to assist in speeding up recovery of Florida's economy. <http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0360er.pdf>

HB 453 (signed into law) Relates to Corporate Tax Scholarships. It expands the program to include insurance companies that wish to join. It also expands the pool of eligible students. It does not however, expand the existing cap of \$118 million allowed for use of this program or the amount of each voucher.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h045303er.pdf>

HB 611 (signed into law) revises the thresholds for government construction projects which must be bid. By raising this threshold, it is hoped that there will be a speed up of local construction projects which will speed up economic recovery.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h061104er.pdf>

HB 701 (signed into law) revises the form of the proposed property tax, by including additional information relating to past and proposed millage rates

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h070103er.pdf>

HB 807 (signed into law) requires the Office of Program Policy Analysis and Government Accountability to study the effectiveness of the Florida Kidcare Program. They are to note deficiencies and identify options for corrections.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h080701er.pdf>

SB 810 (signed into law) Relates to unemployment compensation and requires that employers pay additional unemployment taxes for the next 5 years. This is an effort to bring the fund balance of this program into balance. The fund is expected to run a deficit for the next 5 years.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0810er.pdf>

HB 895 (signed into law) Creates a public records exemption for information relating to investigations regarding testing impropriety. The information would be confidential only as long as the investigation is active. <http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h089502er.pdf>

HB 903 (signed into law) Relates to attorney fees charged in worker's compensation cases. The result is that limits now exist on the fee. This should result in cost savings to districts.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h090302er.pdf>

SB 918 (signed into law) Relates to the Florida Kidcare program by making changes that modify enrollment procedures, income verification, and eligibility determination.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0918er.pdf>

SB 1128 (signed into law) Relates to the education of children in foster care or shelters. The law allows access to confidential records and reports by local school employees who are designated as liaisons

between the school district, DCF, and the principal of the child's school. The law also addresses ESE placement. <http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1128er.pdf>

SB 1248 (signed into law) relates to the collection of money for lost or damaged textbooks. The law requires recovery of the full purchase price. Students may be suspended from extracurricular activities or the student may satisfy the debt thru community service.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1248er.pdf>

HB 1539 (signed into law) creates an opportunity and encourages high school athletic coaches to complete a sports safety course.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h153903er.pdf>

HB 1540 (signed into law) clarifies that School Districts zero tolerance policies do not require school districts to report to law enforcement, acts of petty misconduct and misdemeanors such as: disorderly conduct, disruption, simple assault or battery, a public brawl or fight, theft of less than \$300, Trespassing and vandalism. These are examples but districts will set their guidelines.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1540er.pdf>

SB 1616 (signed into law) Relates to changes in the law regarding career and adult education to more accurately reflect actual practice, comply with federal requirements, and clarify program responsibility. The DOE division name is changed to the Division of Career and Adult Education.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1616er.pdf>

SB 1802 (signed into law) Sets the employer contribution rate for retirement contribution for 2009 at the same rates as 2008 instead of the planned increase.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1802er.pdf>

SB 2188 (signed into law) Relates to changes in the Administrative Procedures Act. (impacts School Boards). This law requires changes in meeting notice, agenda posting, staff availability, and effective date of rules to implement federal laws or regulations.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2188er.pdf>

SB 2538 (signed into law) will require the DOE to annually rate Supplemental Educational Service providers. The rating will be based upon student learning gains, student completion, parent, and principal surveys. <http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2538er.pdf>

SB 2602 (signed into law) The implementing bill for the 2009-2010 General Appropriations Act.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2602er.pdf>

SB 2666 (signed into law) Relates to construction management. (Applies to School Boards) The bill allows continuing contracts for construction projects if the individual project does not exceed \$2 million.

<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s2666er.pdf>

HB 7089 (signed into law) Relates to Exceptional Student Education and IDEA compliance. The law revises due process hearings, discipline and placement requirements, and compliance procedures.

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h708901er.pdf>

HB 7117 (signed into law) Relates to student records law and aligns Florida records law with FERPA (Family Educational Rights and Privacy Act)

<http://www.flsenate.gov/data/session/2009/House/bills/billtext/pdf/h711701er.pdf>

THE BUDGET

Governor Crist signed the \$65.5 Billion dollar budget into law. He did not veto any education item. He did veto legislation that would have reduced the pay of higher salaried governmental workers and legislation that would have transferred \$8 million dollars from the fees collected in relation to concealed gun permits, into the overall budget. The financial impact of these vetoes may lead to a special session. The major concerns regarding this budget are the movement of instructional materials and transportation into the BSA which artificially inflates the number. Also the movement of .25 mills from local to state revenue. The use of a huge amount of stimulus money in order to balance the budget causes concern regarding what will happen in two years, when federal funds will not be available.

2009 SCHOOL GRADES BY THE NUMBERS

1,822 schools earned an “A”, (an increase of 237 schools)

495 schools earned a “B”, (a decrease of 47 schools)

420 schools earned a “C”, (a decrease of 145 schools)

173 schools earned a “D”, (an increase of 18 schools)

44 schools earned an “F”, (a decrease of 1 school)

SUNSHINE STATE STANDARDS

The New Generation Sunshine State Standards for Mathematics, Science, Social Studies, Physical Education, Health, and the proposed revisions for Language Arts standards are available on this site.

<http://www.floridastandards.org/index.aspx>

FEDERAL ACTIVITY

Now that the session is over, we all need to pay more attention to the Federal activity that is taking place which will change the direction of public education and the funding models for delivery.

ARRA sites

As you keep up to date with ARRA funding, you may find the following sites useful.

<http://www.ed.gov/policy/gen/leg/recovery/index.html>

<http://www.ed.gov/policy/gen/leg/recovery/guidance/uses.doc>

<http://www.ed.gov/about/overview/budget/statetables/index.html>.

<http://www.fldoe.org/ARRA/>

<http://www.recovery.gov/>

RANDOM BITS AND PIECES

SAMPLES FROM SECRETARY OF EDUCATION ARNE DUNCAN'S SPEECHES

There are 4 critical commitments to improving educational outcomes for students; 1.) agreeing to place the most effective teachers in the hardest to serve schools; 2.) raising academic standards aligned with quality assessments; 3.) investing in schools failing to make Adequate Yearly Progress (AYP); and 4.) creating data systems that report on student progress and help teacher improve instructional strategies.

2. Secretary Duncan insists that schools must change how teachers are promoted and compensated if we want to address our alarming 30% drop out rate. Quoting an Alliance for Excellent Education study, Duncan noted that as a nation we will lose **\$319 billion** over the lifetime of those students who failed to graduate from high school in 2008. He called this a waste of potential, as well as resources.

The New Teacher Project

NTP has released the report, "The Widget Effect: Our National Failure to Acknowledge and Act on Differences in Teacher Effectiveness". The report makes 4 policy recommendations for school districts: 1) adopt a comprehensive performance evaluation system; 2) differentiate teachers based on their effectiveness in promoting student achievement and provide targeted professional development to help them improve; 3) train administrators and other evaluators in the teacher performance evaluation system and hold them accountable for using it fairly and effectively, integrate the performance evaluation system with critical human capital policies and functions such as teacher assignment, professional development, compensation, retention and dismissal; and 4) address ineffective teaching through dismissal policies that provide lower-stakes options for ineffective teachers to exit the district and a system of due process that is fair but efficient. <http://widgeteffect>

PENDING FEDERAL LEGISLATION K-12

If you wish to track Federal legislation for this session, go to <http://thomas.loc.gov>
Click on bill number and enter the corresponding bill from the list below.

S. 839	Assists States in implementation of a Pre-K program
S.866	Amends the Elementary and Secondary Education Act of 1965
S.892	Holocaust grant
HR. 1999	Grants to local government that experience at least a 15% decrease in tax revenue.
HR. 2011	Grants to Local Ed. Agencies to increases the effectiveness of Substitute teachers.
HR. 2012	Promotes youth financial education
HR. 2036	Grants for gifted and talented
HR. 2054	Establishment of an Environmental Education Program
HR. 2081	Establishment of a partnership between DOE and the National Parks Service.
HR. 2102	Establishment of U.S. Public Service Academy

