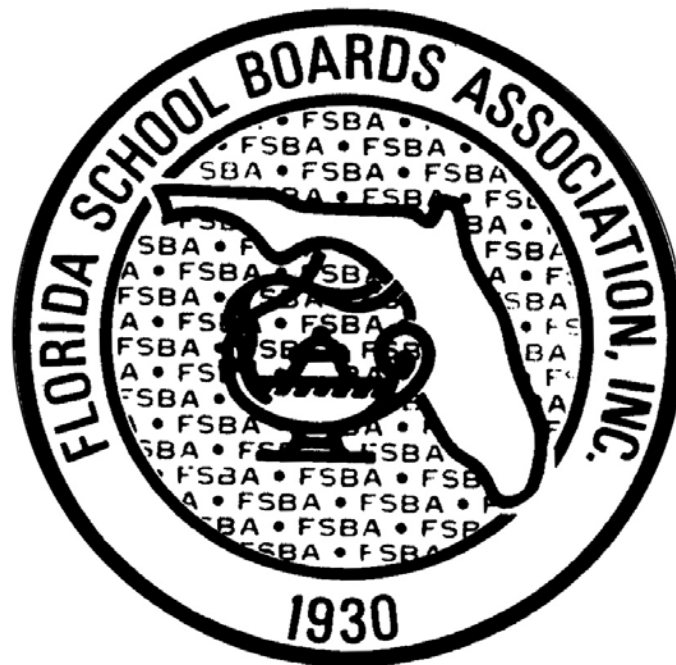


# FLORIDA SCHOOL BOARDS ASSOCIATION



## 2015 LEGISLATIVE SESSION SUMMARY

### Part I: Education Legislation

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## Part I: Education Legislation

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## **HB 41 – Hazardous Walking Conditions**

By Education Committee, Education Appropriations Subcommittee, Local Government Affairs Subcommittee, and Metz

**AMENDS:** Sections 1006.23 and 1012.45, F.S.

**EFFECTIVE:** July 1, 2015

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

This act may be cited as “Gabby’s Law for Student Safety.” The bill amends s. 1006.23, F.S. to revise and expand upon the criteria and procedures used to identify and correct a hazardous walking condition and amends s. 1012.45, F.S., to authorize the implementation of safe driver toll-free telephone hotline.

The bill amends and adds to the existing conditions that may constitute a hazardous walking condition. For walkways parallel to the road, the bill:

- Revises the requirement for an area at least 4 feet wide adjacent to the road upon which students may walk by specifically excluding drainage ditches, sluiceways, swales, or channels, from any calculation of that 4 foot area;
- Reduces the speed limit, from 55 miles per hour to 50 miles per hour or greater, for uncurbed roads requiring that the 4 foot wide walkway be set back 3 feet from the edge of the uncurbed road; and
- Eliminates the exception to these requirements for a residential area which has little or no transient traffic.

The bill also creates new criteria for “crossings over the road” to provide that a hazardous walking condition is considered to exist at any uncontrolled crossing site which students must use to walk to and from school if the road has a posted speed limit of 50 miles per hour or greater, or the road has six lanes or more, not including turn lanes, regardless of the speed limit.

The bill amends the process for inspection of a perceived hazardous walking condition to provide that, upon a request for review from the district school superintendent, the alleged hazardous condition must be inspected jointly by:

- A representative of the school district;
- A representative of the state or local governmental entity with jurisdiction over the perceived hazardous location;
- A representative of the municipal police department for a municipal road, a representative of the sheriff’s office of a county road, or a representative of the Department of Transportation for a State road; and
- If the jurisdiction is within an area for which there is a metropolitan planning organization, a representative of that organization.

If the governmental representatives concur that a condition constitutes a hazardous walking condition, the governmental entity with jurisdiction must report that determination in writing to the district school superintendent, who must initiate a formal request for correction. However, if the governmental representatives are unable to reach a consensus, the reasons for lack of a consensus must be reported to the district school superintendent, who must provide a report and recommendation to the district school

board. In this case, the bill provides that the district school board may initiate a declaratory judgment action under Chapter 86, F.S. Prior to pursuing such a legal judgement, the district school board must provide at least 30 days' notice, in writing, to the governmental entity having jurisdiction over the road of its intent to do so. If such a proceeding is initiated, the district school board has the burden of proving such condition by the greater weight of evidence. If the district school board prevails, the district school superintendent must report the outcome to the Department of Education and initiate a formal request for correction of the hazardous walking condition.

The bill provides that, upon a determination that a hazardous walking condition exists, the district school superintendent must request a position statement with respect to correction of the condition from the state or local governmental entity with jurisdiction over the road. Within 90 days after receiving such request, the governmental entity must inform the district school superintendent whether the entity will include correction of the hazardous walking condition in its next annual 5-year transportation work program and, if so, when correction of the condition will be completed. If the hazardous walking condition will not be included in the next annual 5-year transportation work program, the factors justifying such conclusion must be stated in writing to the district school superintendent and the Department of Education.

The bill specifies that, if a civil action for damages brought against a governmental entity under s. 768.28, F.S., relating to tort claims, the designation of a hazardous walking condition is not admissible in evidence. In addition, the bill specifies that the amendments to s. 1006.23, F.S., do not prohibit a district school board and other governmental entities from entering into an interlocal agreement pursuant to s. 163.31777, F.S., relating to growth management, that addresses the identification and correction of hazardous walking conditions, if such agreement:

- Implements the Safe Paths to Schools Program as provided in s. 335.066, F.S.; or
- Establishes standards for the safety of students walking to school and procedures for identifying and correcting hazardous walking conditions that meet or exceed the standards and procedures provided in the bill.

Finally, the bill amends s. 1012.45, F.S., to provide that each district school board may implement a safe driver toll-free telephone hotline for motorists or others who observe improper driving or operation by a school bus driver to report such violations to the district school board for investigation and corrective or disciplinary action by the school board.

### **HB 133 – Sexual Offenses**

By Civil Justice Subcommittee and Plasencia

**AMENDS:** Sections 775.15, 847.0141, and 985.0301, F.S.

**EFFECTIVE:** July 1, 2015

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

This act may be cited as the “43 Days Initiative Act.” The bill addresses the statute of limitation on sexual battery, the punishment schedule for sexting, and the jurisdiction of the circuit court in certain cases involving minors.

The bill amends s. 775.15, F.S., relating to the statute of limitation, by extending the current statute of limitation, from 4 years to 8 years, for a first or second degree felony sexual battery when the victim is 16 years of age or older and does not report the crime within 72 hours. The bill applies to any such offense retroactively to previously committed offenses as long as the statute of limitation has not run out on these offenses prior to July 1, 2015.

The bill amends s. 847.0141, F.S., relating to the punishment schedule for the offense of sexting, by including the issuance of a citation for first violations, which are classified as noncriminal violations. The bill specifies that, for a first violation of sexting, the minor must sign and accept a citation indicating a promise to appear before the juvenile court. In lieu of appearing in court, the minor may complete 8 hours of community service work, pay a \$60 civil penalty, or participate in a cyber-safety program, if such a program is locally available. The minor must satisfy any penalty within 30 days after receipt of the citation.

The bill provides that, if the citation is contested and the court determines that the minor committed a noncriminal violation of sexting, the court may order the minor to perform 8 hours of community service, pay a \$60 civil penalty, or participate in a cyber-safety program. If the minor fails to comply with the citation, the minor waives the right to contest it and the court may order the minor to perform community service, pay a fine, participate in a cyber-safety program, or initiate contempt proceedings. Upon a finding of contempt, the court may impose additional penalties, such as suspending the minor's driver license, but the court may not impose incarceration. The bill also requires 80% of all civil penalties received by a juvenile court pursuant to the citation process outlined above to be remitted by the clerk of the court to the county commission to provide training on cyber safety for minors. The remaining 20% must remain with the clerk of the court to defray administrative costs.

Finally, the bill amends s. 985.0301, F.S., to specify that a circuit court has exclusive original jurisdiction over proceedings in which a minor is alleged to have committed a noncriminal violation that has been assigned to juvenile court by law.

### **SB 290 – Carrying a Concealed Weapon or Firearm / Evacuations**

By Rules Committee, Criminal Justice Committee, and Brandes

**AMENDS:** Section 790.01, F.S.

**EFFECTIVE:** Upon becoming a law

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill amends s. 790.01, F.S., to provide an exemption from criminal penalties for carrying a concealed weapon or firearm under certain circumstances. The bill provides the exemption to allow a person who lawfully possesses a weapon or firearm to carry a concealed weapon or firearm on or about his or her person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor or declared by a local authority. As used in this context, the term “in the act of evacuating” means the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered. The 48 hours may be extended by an order issued by the Governor.

### **HB 361 – Military Housing Ad Valorem Tax Exemptions**

By Local & Federal Affairs Committee, Finance & Tax Committee, Trumbull, and Smith

**AMENDS:** Section 196.199, F.S.

**EFFECTIVE:** July 1, 2015

The bill amends s. 196.199, F.S., relating to tax exemptions on government property, to provide that property of the United States that is currently exempt from taxation includes leasehold interests of and improvements affixed to land if the leasehold interest and improvements are used pursuant to the Military Housing Privatization Initiative of 1996. The bill exempts the actual housing units and directly-related facilities, such as housing maintenance facilities, housing management offices, parks and recreational facilities. The bill provides that it does not apply to public lodging establishments and does not affect existing agreements for municipalities or counties to provide municipal services. The provisions of the bill apply retroactively to January 1, 2007.

### **SB 378 – Juvenile Justice**

By Criminal Justice Committee, Garcia, and Gibson

**AMENDS:** Section 985.12, F.S.

**EFFECTIVE:** October 1, 2015

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill amends s. 985.12, F.S., relating to the use of civil citations for youth who commit a misdemeanor. The bill authorizes law enforcement to issue a simple warning to the youth or inform the youth's parents of the misdemeanor, as well as issue a civil citation or require participation in a similar diversion program. In addition, the bill provides that the use of a civil citation or participation in a similar diversion program is not limited to first-time misdemeanors and may be used in up to two subsequent misdemeanors. The bill also provides that, if an arrest is made, law enforcement must provide written documentation as to why the arrest was warranted.

### **SB 408 – Designated Areas for Skateboarding, Inline Skating, Paintball, or Bicycling**

By Simmons

**AMENDS:** Section 316.085, F.S.

**EFFECTIVE:** July 1, 2015

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill revises provisions relating to the limitation of liability for damages or injuries on property owned or controlled by a governmental entity, including a school district, that has specifically designated an area for skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling. If the governmental entity has specifically designated such an area for paintball or mountain and off-road bicycling, the bill retains the requirement for each such governmental entity to post a rule in each specifically designated area for paintball or mountain and off-road bicycling which indicates that a child under 17 years of age may not engage in such activities until the governmental entity has obtained written consent, in a form acceptable to the governmental entity, from the child's parent or legal guardian. In effect, the bill eliminates the requirement that a governmental entity obtain a consent form from the parent of a child who uses a public skate park or area set aside for skateboarding, inline skating, or freestyle bicycling as a condition of limiting the governmental entity's liability for damages or injuries.

### **SB 538 – Disclosure of Sexually Explicit Images**

By Rules Committee, Criminal Justice Committee, and Simmons

**AMENDS:** Sections 901.15 and 933.18, F.S.

**CREATES:** Section 784.049, F.S.

**EFFECTIVE:** October 1, 2015

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill creates s. 784.049, F.S., to prohibit a person from willfully and maliciously sexually cyberharassing another person. The bill provides legislative findings relating to the expectation of privacy, the practice of posting sexually explicit images on the internet without consent, and the infliction of emotional distress and significant psychological harm.

The bill defines “sexually cyberharass” as publishing a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without such person’s consent, for no legitimate purpose, and with the intent to cause substantial emotional distress to such person. The bill provides that a person who commits sexual cyberharassment commits a first degree misdemeanor and a second or subsequent violation by a person with a prior conviction for sexual cyberharassment is a third degree felony.

The bill authorizes an aggrieved person to initiate a civil action against a person who commits sexual cyberharassment to obtain all appropriate relief in order to prevent or remedy a violation. This relief includes injunctive relief, monetary damages to include \$5,000 or actual damages incurred, whichever is greater, and reasonable attorney fees and costs. The bill specifies that sexual cyberharassment is considered to be committed in Florida if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within the state.

The bill amends s. 901.15, F.S., to provide that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed a criminal act of sexual cyberharassment. The bill also amends s. 933.18, F.S., to provide no search warrant of a private dwelling may be issued unless, among other things, an instrumentality or means by which sexual cyberharassment has been committed or evidence relevant to proving that sexual cyberharassment has been committed is contained therein.

### **HB 541 – Athletic Trainers**

By Health Quality Subcommittee and Plasencia

**AMENDS:** Sections 456.0135, 468.70, 468.701, 468.703, 468.705, 468.707, 468.709, 468.711, 468.713, 468.715, 468.717, 468.719, and 468.723, F.S.

**EFFECTIVE:** January 1, 2016

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill amends sections 468.7 - 468.723, F.S., to update the regulations relating to athletic trainers. The bill amends several definitions, including the following:

- “Athletic trainer” is defined to mean a person licensed and has met the requirements, including education requirements, set forth by the Commission on Accreditation of Athletic Training Education or its successor and necessary credentials from the Board



of Certification. An individual who is licensed as an athletic trainer may not provide, offer to provide, or represent that he or she is qualified to provide any care or services that he or she lacks the education, training, or experience to provide, or that he or she is otherwise prohibited by law from providing.

- "Athletic training" is defined to mean service and care provided by an athletic trainer under the direction of a physician. Such service and care must relate to the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of a physically active person who sustained an injury, illness, or other condition involving exercise, sport, recreation, or related physical activity. For the provision of such care and services, an athletic trainer may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity, and mechanical devices.

The bill requires a person who applies for licensure on or after July 1, 2016 to undergo background screening and authorizes the Board of Athletic Trainers (Board) to require background screening for others seeking renewal of their license or undergoing disciplinary action. The bill requires applicants to obtain a baccalaureate degree from a college or university professional athletic training degree program accredited by the Commission on Accreditation of Athletic Training Education or its successor, and to pass the national examination to be certified by the Board of Certification. In addition, the bill requires all applicants to have current certification in both cardiopulmonary cardiovascular pulmonary resuscitation and the use of an automated external defibrillator. The bill also specifies that it is a first degree misdemeanor for a person to practice athletic training, represent oneself as an athletic trainer, or provide athletic trainer services to a patient without being licensed.

The bill requires the athletic trainer to work under the direction of a physician. The physician must communicate his or her direction through oral or written prescriptions or protocols as deemed appropriate by the physician for the provision of services and care by the athletic trainer. An athletic trainer must provide service or care in the manner dictated by the physician. The bill directs the Board to adopt rules relating to mandatory requirements and guidelines for communication between the athletic trainer and a physician, including the reporting to the physician of new or recurring injuries or conditions.

### **HB 565 – Retirement**

By Government Operations Subcommittee and Beshears

**AMENDS:** Section 121.055, F.S.

**EFFECTIVE:** July 1, 2015

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill provides that, effective July 1, 2015, and every 5 years thereafter, each local agency employer may, between July 1 and December 31, reassess its designation of positions for inclusion in the Senior Management Service Class and may request removal from the class of any such positions that it deems appropriate. Such removal of any previously designated positions will be effective on the first day of the month following written notification of removal to the division before January 1.



## **SB 642 – Individuals with Disabilities**

By Banking & Insurance Committee and Benacquisto

**AMENDS:** Sections 222.22 and 1009.971, F.S.

**CREATES:** Sections 1009.985 and 1009.986. F.S.

**EFFECTIVE:** Upon becoming a law

The bill creates the Florida Achieving a Better Life Experience (ABLE) program to align with the federal ABLE Act of 2014 which authorizes states to establish ABLE accounts that resemble the federal 529-college savings plans that are tax-advantaged savings accounts. The bill directs the Florida Prepaid College Board (Prepaid Board) to create Florida ABLE, Inc., as a direct support organization that must be organized as a not-for-profit corporation. The board of directors of Florida ABLE, Inc. must include the Chair of the Prepaid Board, one member appointed by the Prepaid Board, one member appointed by the Governor, one member appointed by the President of the Florida Senate, and one member appointed of the Speaker of the Florida House.

The bill provides that Florida ABLE, Inc. would operate under a contract with the Prepaid Board and is required to implement the Florida ABLE Program on or before July 1, 2016. In addition, the Agency for Health Care Administration, as the state Medicaid agency, would be a creditor of ABLE accounts. Upon the death of a designated beneficiary of an account, and subject to any outstanding payments due for qualified disability expenses, all amounts remaining in the account would be distributed to a state Medicaid program.

*[NOTE: SB 642 is linked to two related bills that would become effective upon, and are contingent upon, SB 642 becoming a law. [SB 644](#) creates the Florida ABLE Program Trust Fund to hold appropriations and moneys for the Florida ABLE program. [SB 646](#) creates a public records exemption for specified personal financial and health information.]*

## **SB 778 – Local Government Construction Preferences**

By Governmental Oversight & Accountability Committee, Community Affairs Committee, and Hays

**CREATES:** Section 255.0991, F.S.

**EFFECTIVE:** July 1, 2015

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill provides that, for a competitive solicitation for construction services in which 50% or more of the cost will be paid from state-appropriated funds appropriated at the time of the competitive solicitation, a state college, county, municipality, school district, or other political subdivision may not use a local ordinance or regulation that provides a preference based upon the contractor:

- Maintaining an office or place of business within a local jurisdiction;
- Hiring employees or subcontractors from within a local jurisdiction; or
- Making payment of local taxes, assessments, or duties within a local jurisdiction.

A state college, county, municipality, school district, or other political subdivision is required to disclose in the solicitation document that a local preference is not in effect for any project for which the prohibitions contained within the bill apply.

## **SB 954 – Involuntary Examinations of Minors**

By Fiscal Policy Committee and Garcia

**AMENDS:** Sections 381.0056, 394.4599, 1002.20, and 1002.33, F.S.

**EFFECTIVE:** July 1, 2015

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill amends s. 381.0056, F.S., relating to school health services. The bill expands the provisions that must be included in a school health services plan by adding a provision for the immediate notification to a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, F.S., relating to mental illness. The bill also amends s. 394.4599, F.S., to require a receiving facility to immediately notify a minor's parent, guardian, caregiver, or guardian advocate after the minor's arrival at the facility and to make repeated attempts at such notification until confirming that notice has been received.

The bill amends s. 1002.20, F.S., relating to student and parent rights with regard to health issues to provide that the public school principal or the principal's designee must immediately notify the parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, F.S. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed if the principal or designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, F.S., based upon knowledge or suspicion of abuse, abandonment, or neglect. The bill requires each district school board to develop a policy and procedures for notification as required by the bill. The bill also amends s. 1003.33, F.S., relating to charter schools, to mirror these notification provisions and to require each charter school governing board to develop a policy and procedures for notification as required by the bill.

## **SB 982 – Florida Civil Rights Act**

By Thompson

**AMENDS:** Sections 509.092, 760.01, 760.05, 760.07, 760.08, 760.10, and 760.11, F.S.

**EFFECTIVE:** July 1, 2015

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

This bill amends several sections of chapter 760, F.S., relating to the Florida Civil Rights Act (FCRA) to expressly prohibit discrimination on the basis of pregnancy in education, employment, housing, and public accommodation. For the purpose of incorporating the amendment made by the bill s. 760.10(5), F.S., relating to unlawful employment practices, the bill also reenacts s. 760.11(1), F.S., relating to administrative and civil remedies. In effect, this codifies a Florida Supreme Court decision that found that discrimination based on pregnancy in employment practices was subsumed in the FCRA's current prohibition on discrimination based on sex.

## **SB 984 – Exemption from Legislative Lobbying Requirements**

By Braynon

**AMENDS:** Section 11.045, F.S.

**EFFECTIVE:** July 1, 2015

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill amends s. 11.045, F.S. relating to lobbying before the Legislature to provide that the term “expenditure” does not include the use of a public facility or public property that is made available by a governmental entity to a legislator for a public purpose, regardless of whether the governmental entity is required to register a person as a lobbyist.

## **SB 1312 – Strategic Lawsuits Against Public Participation**

By Judiciary Committee and Simmons

**AMENDS:** Section 768.295, F.S.

**EFFECTIVE:** July 1, 2015

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

A strategic lawsuit against public participation (SLAPP) is one ostensibly brought to redress a wrong, such as an invasion of privacy, a business tort, or an interference with a contract, but actually brought to silence one or more critics. Currently, s. 768.295, F.S., prohibits governmental entities from filing SLAPP suits and provides for the expedited resolution of lawsuits alleged to violate the anti-SLAPP provisions. The bill expands the application of the anti-SLAPP provisions by more broadly prohibiting lawsuits filed in retaliation against a person who engaged in otherwise protected free speech. Specifically, the bill protects “free speech in connection with public issues” and defines that term to mean any written or oral statement that is protected under applicable law and is made:

- Before a governmental entity in connection with an issue under consideration or review by a governmental entity, or
- In connection with the publication of a play, movie, or other similar work of art.

In addition, the bill includes a person in the prohibition against bringing a SLAPP suit and in the provisions for expedited resolution of a lawsuit claimed to be a SLAPP suit.

## **HB 7019 – Workforce Services**

By Economic Affairs Committee, Economic Development & Tourism Subcommittee, and Drake

**AMENDS:** Several sections of Florida Statutes

**CREATES:** An unnumbered section of Florida Statutes

**EFFECTIVE:** Upon becoming a law

### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill changes the name of Workforce Florida, Inc. to CareerSource Florida, Inc., throughout Florida Statutes. In addition, the bill creates a 20-member task force to develop recommendations for the state’s plan for implementing the federal Workforce Innovation and Opportunity Act of 2014 (WIOA). The task force must organize by June 1, 2015 with administrative support provided by CareerSource Florida, Inc. The recommendations of the task force must include:

- A review of the current workforce service delivery system and recommendations for inclusiveness of programs;
- A regional planning design;
- A one-stop service delivery design;
- A plan for integrating economic development, workforce development, and the state's education system; and
- A plan for developing sector strategies and career pathways.

The task force must submit its recommendations in a report to the Governor, President of the Senate, and Speaker of the House by December 1, 2015. CareerSource Florida, Inc. must incorporate the recommendations in the approved state plan required under WIOA, which must be submitted to the United States Department of Labor, with copies to the Governor, President of the Senate, and Speaker of the House. The task force is abolished June 30, 2016, or at an earlier date as provided by the task force.

### **SB 7024 – State Board of Administration**

By Governmental Oversight & Accountability Committee

**AMENDS:** Section 218.421, F.S.

**REPEALS:** Section 121.153, F.S.

**EFFECTIVE:** July 1, 2015

The bill amends s. 218.421, F.S., to direct the State Board of Administration (SBA) to distribute any residual balance in the Fund B Surplus Funds Trust Fund to each participant in the Local Government Surplus Funds Trust Fund who had been entitled to, but had not received, a November 2007 interest payment on invested funds at any time during that month. The amount paid to such participants must be based on each participant's proportional share of the total November 2007 interest earned by such participants in the Local Government Surplus Funds Trust Fund which was not paid out but transferred to the Fund B Surplus Funds Trust Fund in order to maximize the payout of principal.

The bill also repeals the current limitation on the authority of the SBA to invest the funds of the Florida Retirement System Trust Fund in institutions doing business in or with Northern Ireland.

### **HB 7069 – Education Accountability**

By Education Appropriations Subcommittee, Education Committee, and O'Toole

**AMENDS:** Sections 1001.42, 1002.20, 1003.4156, 1003.4282, 1003.4285, 1003.621, 1008.22, 1008.24, 1008.25, 1008.30, 1008.34, 1012.34, and 1012.98, F.S.

**REPEALS:** Section 1012.3401, F.S.

**EFFECTIVE:** April 14, 2015

#### **THIS BILL COULD HAVE SCHOOL BOARD POLICY IMPLICATIONS**

The bill revises requirements for setting the opening date of school, revises state and local assessment requirements, revises student progression provisions, revises school grading criteria, revises criteria and procedures for evaluating instructional personnel and school administrators, and generally provides greater local authority and flexibility with regard to assessment and accountability provisions.

### Opening Date of School

The bill amends s. 1001.42, F.S., relating to the powers and duties of school boards, to set the opening date of school as no earlier than August 10. The bill also amends s. 1003.621, F.S., relating to high performing school districts, to require a high performing school district to comply with this limitation on the opening date of school.

### Student Assessment

The bill makes several amendments to s. 1008.22, F.S., relating to the student assessment program for public schools and revises or repeals other provisions in law to conform with these amendments. Specifically, the bill:

- Adds to the purpose of the student assessment program to provide that, when available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.
- Deletes the requirement that the statewide, standardized English Language Arts (ELA) assessment be administered to students in grade 11. To conform with this provision, the bill amends s. 1003.4285, F.S., by deleting the reference to taking and passing the state Grade 11 ELA as a requirement for earning the scholar designation on the high school diploma.
- Provides that statewide, standardized End-of-Course (EOC) assessments for Algebra I, Geometry, Algebra II, Biology I, U.S. History, and Civics must be administered to students enrolled in such courses as specified in the course code directory.
- Specifies that students enrolled in a course with an associated statewide EOC assessment must take the EOC assessment for the course and may not take the corresponding subject or grade-level statewide, standardized assessment.
- Provides that s. 1003.4156, F.S., relating to middle grades promotion, and s. 1003.4282, F.S., relating to requirements for a standard high school diploma, govern the use of statewide, standardized EOC assessment results for students. Among other things, these sections of law provide that the EOC assessment results constitute 30% of each student's final course grade.
- Retains the requirement that statewide, standardized assessments be delivered through computer-based format but provides an implementation schedule such that computer-based testing for the grade 3 ELA assessment will begin in the 2017-2018 school year, the grade 3 mathematics assessment will begin in the 2016-2017 school year, the grade 4 ELA assessment will begin in the 2015-2016 school year, and the grade 4 mathematics assessment will begin in the 2016-2017 school year.
- Revises provisions relating to assessment scores and achievement levels to provide that all statewide, standardized EOC assessments and ELA, Math, and Science assessments must use scaled scores and achievement levels, with achievement levels ranging from 1 through 5. Reference to the Writing assessment scale scores is deleted since the writing assessment is included as part of the ELA assessment.

- Moves and revises provisions relating to the reporting of results to provide that any contract with a vendor for assessments requires that student's performance results on statewide, standardized assessments, EOC assessments, and Florida Alternative Assessments (FAA) must be provided to the student's teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the extenuating circumstances to the State Board of Education. This provision does not apply to existing contracts for such assessments, but shall apply to new contracts and any renewal of existing contracts for such assessments.
- Requires that, if applicable, DOE must collect liquidated damages that are due in response to the administration of the spring 2015 computer-based assessments of the Florida Standards Assessment contract with American Institutes for Research, and expend the funds to reimburse parties that incurred damages.
- Amends provisions relating to local assessment of student performance to:
  - Retain the requirement that, measurement of student performance on state standards is the responsibility of school districts, except in those subjects and grade levels measured under the statewide, standardized assessment program;
  - Delete reference to local assessment of “all subjects and grade levels” not measured by statewide, standardized assessments; and
  - Delete the specific list and related requirements of the assessments that could be used as local assessments.
  - Retain the requirement that the commissioner assist districts in measuring student performance on state standards by maintaining a statewide item bank, but authorizes the commissioner to discontinue the item bank if district participation is insufficient for its sustainability.
- Requires the commissioner to establish schedules for administration of statewide assessments and reporting of results. The schedules must consider religious and school holidays and must provide the earliest possible reporting of assessment results and, except for the 2014-2015 school year, results for the FSA and standardize EOC assessments must be made available no later than the week of June 8. School districts must administer statewide assessments in accordance with the schedule established by the commissioner.
- Provides that, beginning in 2016, by August of each year, the commissioner must publish on the DOE website a uniform calendar that includes the assessment and reporting schedules for the next 2 school years. The uniform calendar must be provided to districts in an electronic format that allows each school district and public school to populate the calendar with the following information:
  - Whether the assessment is a district or state-required assessment.
  - Specific assessment administration dates.
  - The time allotted to administer each assessment.
  - Whether assessment is a computer-based or paper-based assessment.
  - The grade level or subject area associated with the assessment.
  - The date the assessment results expected to be available to teachers and parents.
  - The type and purpose of the assessment, and the use of assessment results.

- A glossary of assessment terminology.
  - Estimates of average time for administering state-required and district-required assessments, by grade level.
- Requires each district to establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. The testing schedules must be published on the district website, using the uniform calendar and required information listed above. The schedule must also be submitted to DOE by October 1 of each year. The uniform calendar also must be included in the parent guide required by s. 1002.23(5), F.S.
  - Prohibits a school district from scheduling more than 5% of a student's total school hours in a school year to administer statewide, standardized assessments and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized are scheduled, exceed the 5% test administration limit.
  - Provides that the 5% test administration limit may be exceeded, as needed, to provide test accommodations required by an IEP or for ELL students. In addition, a student may choose to take an examination or assessment adopted by State Board of Education rule and ss. 1007.27, F.S., relating to acceleration mechanisms, s. 1008.30, F.S., relating to common placement testing, and s. 1008.44, F.S., relating to CAPE industry certification.
  - Requires that a statewide, standardized EOC assessment must be used as the final cumulative examination for its associated course and no additional final assessment may be administered in a course with a statewide, standardized EOC assessment. A district-required local assessment may be used as the final cumulative examination for its associated course in accordance with the school district's policy.
  - Requires a school district to provide a student's performance results on district-required local assessments to the student's teachers and parents no later than 30 days after administering such assessments, unless the superintendent determines in writing that extenuating circumstances exist and reports the extenuating circumstances to the district school board.
  - Requires the State Board of Education to adopt rules for the development of the uniform calendar that, at minimum, define terms that must be used in the calendar to describe various assessments, including the terms "summative assessment," "formative assessment," and "interim assessment."

The bill also amends s. 1008.24, F.S., relating to test administration and security to authorize the use of paraprofessionals to administer and proctor statewide, standardized assessments or assessments associated with the Florida Approved Courses and Tests initiative. The State Board of Education must adopt rules that establish training requirements that must be completed by prior to performing these duties.



### Student Progression

The bill amends s. 1001.42, F.S., relating to parent and student rights, by removing the requirement for an elementary school to regularly assess the reading ability of K-3 students and by removing the reference to progress monitoring.

The bill amends s. 1003.4156, F.S., relating to the general requirements for middle grades promotion, and s. 1003.4282, F.S., relating requirements for a standard high school diploma, by deleting requirements for remediation for a student scoring Level 1 or 2 on the state ELA assessment, state mathematics assessment, and/or state Algebra I EOC assessment.

The bill amends s. 1008.25, F.S., relating to public school student progression, to revise several requirements for intervention and remediation for students. This section of the bill:

- Amends requirements for the district comprehensive student progression plan (Plan) to provide that the Plan must provide for progression from one grade to another based on the mastery of state standards, specifically for ELA, math, science, and social studies.
- Deletes the requirement that the Plan include specific levels of student performance below which a student must receive remediation, be retained, or given an alternative placement.
- Requires that the Plan include criteria that emphasizes student reading proficiency in K-3 and provide targeted instructional support for students with identified deficiencies in ELA, math, science, and social studies. High schools must use all available assessment results to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The evaluation results used to monitor progress must be provided to teachers and parents in a timely manner. When available, teachers must be provided with information on student achievement of standards and benchmarks to improve instruction.
- Provides that each student that does not achieve a Level 3 or above on the ELA or math assessment or the Algebra I EOC must be evaluated to determine the areas of academic need and strategies for providing academic supports to improve performance. A student who is not meeting the district or state requirements for satisfactory performance in ELA or math must be covered by a federally required student plan such as an IEP, an individualized progress monitoring plan, or a school-wide system of progress monitoring for all students, except students scoring Level 4 or above on the ELA and mathematics assessment may be exempted from participation by the principal.
- Requires that any student who exhibits a substantial deficiency in reading in K-3 must be given intensive reading instruction. The student's reading proficiency must be monitored and intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the ELA assessment. To be promoted to grade 4, a student must score a Level 2 or higher on the grade 3 ELA assessment.

- Revises the good cause exemption from mandatory retention for limited English proficient students who have less than 2 years of instruction in an ESOL program to clarify that the 2 years of instruction is based on the initial date of entry into a school in the United States.
- Provides that students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of 4th grade. State Board of Education rules must include standards that provide a reasonable expectation that the students' progress is sufficient to master appropriate 4th grade reading skills.

The bill also amends s. 1008.30, F.S., relating to common placement testing for public postsecondary education. The bill deletes the requirement that districts administer postsecondary readiness assessments and the requirement that certain 12th graders complete postsecondary preparatory instruction before high school graduation.

#### Transition to New Standards and Assessments

The bill amends s. 1008.34, F.S. relating to the transition to new state standards and statewide, standardized assessments. With regard to turnaround options, the bill adds the provision that, if a school using a turnaround option improves at least one letter grade during the 2014-2015 school year, the benefits of s. 1008.33(4)©, F.S., relating to a school being released from implementation of the turnaround option, and s. 1008.33(4)(d), F.S., relating to a school implementing strategies identified in its school improvement plan, will apply to the school.

With regard to student progression and graduation, the bill provides that, until such time as an independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 is provided, for purposes of grade 3 ELA student performance and high school graduation requirements, student performance on the 2014-2015 statewide, standardized assessments shall be linked to 2013-2014 student performance expectations. Students who score in the bottom quintile on the 2014-2015 grade 3 ELA assessment shall be identified as students at risk of retention. School districts must notify parents of such students, provide evidence as outlined in s. 1008.25(6)(b), F.S., relating to retention and good cause exemptions, and provide the appropriate intervention and support services for student success in grade 4.

The bill requires independent verification of the psychometric validity of the statewide, standardized assessments first implemented in 2014-2015 must be completed before the 2014-2015 school grades results may be published and before the student performance data resulting from such assessments may be used for purposes of instructional personnel and school administrator evaluations.

The independent entity must be selected by a 3-member panel consisting of appointees by the Governor, the President of the Senate, and the Speaker of the House. The panel must select the independent entity no later than June 1, 2015. Upon selection of the independent entity, DOE must immediately contract with the independent entity to perform the independent verification, which must be completed by September 1, 2015. The provisions relating to the independent verification are repealed December 31, 2015.

### Evaluation of Instructional and Administrative Personnel

The bill amends s. 1012.34, F.S., relating to personnel evaluation procedures and criteria. With regard to DOE approval and reporting on district evaluations systems, the bill requires that annually, by February 1 (rather than December 1), the commissioner must publish on the DOE website the status of each district's instructional personnel and school administrator evaluation system. The bill adds to the information must be provided to include an analysis that compares performance evaluation results calculated by each school district to indicators of performance calculated by DOE using the standards for performance levels adopted by the State Board of Education.

The bill amends evaluation system requirements to provide that, in addition to other requirements, evaluation systems must provide timely feedback to teachers and school administrators. The bill deletes the requirement that the commissioner consult with stakeholders in developing criteria for performance levels, deletes the requirement that the evaluation system include a process for monitoring and evaluating the effective and consistent use of the evaluation criteria by employees with evaluation responsibilities, and deletes the requirement for a process for monitoring and evaluating the effectiveness of the system itself in improving instruction and student learning.

The bill substantially revises performance evaluation criteria. As amended, the criteria must include:

- Performance of Students - At least one-third (rather than 50%) must be based on data and indicators of student performance in accordance with s. 1012.34(7), F.S. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.
- Instructional practice – For instructional personnel, at least one-third of the performance evaluation must be based on instructional practice. Evaluation criteria used when annually observing classroom teachers must include indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.
- Instructional leadership – For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Criteria must include indicators based upon each of the leadership standards adopted by the State Board of Education. The system may include a means to give parents and instructional personnel an opportunity to provide input into the evaluation.
- Other indicators of performance – For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

The bill requires that all personnel must be fully informed of the criteria, data sources, and methodologies and procedures associated with the evaluation process before the evaluation takes place.

With regard to measurement of student performance, the bill retains the current state formula (VAM) to measure individual student learning growth on the statewide, standardized ELA and mathematics assessments and the commissioner authorized (rather than required) to select additional formulas to measure student performance on the remainder of statewide, standardized assessments.

Each district must measure student learning growth using the formulas approved by the commissioner and the standards for performance levels adopted by the State Board of Education for courses associated with statewide, standardized assessments no later than the school year immediately following the year the formula is approved by the commissioner. For grades and subjects not assessed by statewide, standardized assessments, each district must measure student performance using a methodology determined by the district.

The bill provides that no later than August 1, 2015, the State Board of Education must adopt rules to establish uniform procedures and format for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators. The rules also must provide specific discrete standards for each performance level based on student learning growth models approved by the commissioner, the measurement of student learning growth and associated implementation procedures, and a process for monitoring school district implementation of evaluation systems. The bill deletes the requirement for rules establishing student performance levels that if not met will result in an unsatisfactory performance evaluation or levels that must be met to receive an effective or highly effective rating.

Finally, the bill repeals s. 1012.3401, F.S. This section addressed requirements for measuring student performance for performance evaluations and to performance evaluation of personnel for purposes of performance salary schedule. The provisions of the section are duplicative or are contradictory to the amendments made to the bill.

### **SB 7078 – Child Welfare**

By Fiscal Policy Committee and Children, Families, & Elder Affairs Committee

**AMENDS:** Sections 39.0215, 39.3068, 125.901, 383.402, 402.301, 402.302, 409.977, 409.986, 409.988, 435.02, and 1006.061, F.S.

**EFFECTIVE:** July 1, 2015

The bill makes a number of changes to provisions relating to the child welfare system. Of particular interest to school boards, the bill amends s. 383.402, F.S., relating to child abuse death reviews to establish local child abuse death review committees. These local committees will be convened in accordance with the protocols established by the State Child Abuse Death Review Committee. The membership of the local death review committees must be appointed by the county health department directors and must include, among others, a representative of the school district.

The bill also amends s. 1006.061, F.S., to require each district school board, charter school, and private school that accepts scholarship students to post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

- The statewide toll-free telephone number of the central abuse hotline;
- Instructions to call 911 for emergencies; and
- Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

This information must be put on at least one poster in each school, produced in large print, and placed at student eye level for easy viewing.

## Other Bills of Interest

### **HB 153 – Literacy Jump Start Pilot Project / St. Lucie County**

The bill creates an unnumbered section of Florida Statutes to require the Office of Early Learning to establish the 5-year Literacy Jump Start Pilot Project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills. In order to facilitate parent and child access to services, the emergent literacy instruction must be delivered in a subsidized housing unit. The Project may also coordinate to provide basic health screening and immunization in conjunction with emergent literacy instruction.

### **HB 157 – Fraud**

The bill amends statutes relating to fraudulent practices against individuals, corporations, and governments to provide broader protection against fraud and business or individual identity theft. Of particular interest, the bill prohibits a person from manufacturing articles that have the name of a city, county, or political subdivision, that is not the same name as the one in which such articles are manufactured.

### **SB 228 – Online Voter Registration**

The bill directs the Division of Elections in the Department of State to develop an operational, online voter registration application system by October 1, 2017. The Division of Elections must develop security measures to prevent unauthorized tampering with a voter's registration information. The online voter registration application system must be designed to submit a voter registration application and update voter registration information and obtain information sufficient to establish an applicant's eligibility to vote. The system must also be able to generate an immediate electronic confirmation that the Supervisor of Elections has received the application and provide instructions on how to check the status of the application.

### **HB 435 – Administrative Procedures**

The bill appears to apply to state-level agencies. The bill makes a number of changes to the Administrative Procedure Act which relate to a state agency's reliance on unadopted or invalid rules and the notices and information made available in the Florida Administrative Register and to the public.

### **HB 437 – Guardians for Disabled or Incapacitated Dependent Children**

The bill creates a framework for identifying and appointing guardian advocates, limited guardians, and plenary guardians for children who have a developmental disability or are incapacitated who may require decision-making assistance beyond their 18th birthday. It also authorizes guardianship courts to exercise jurisdiction over these children to appoint guardian advocates, limited guardians, and plenary guardians.

### **HB 489 – Value Adjustment Board Proceedings**

The bill alters the process for taxpayers to petition the Value Adjustment Board (VAB). The bill requires the clerk of the VAB to have available and to distribute petition forms, allows an owner of multiple items of tangible personal property to file a single, joint petition, and requires the property appraiser to include the property record card during the evidence exchange process even though the clerk of the VAB may have already provided it.

### **HB 461 – Independent Nonprofit Higher Education Facilities**

The bill expands the types of projects that the Higher Education Facilities Financing Authority may finance for independent nonprofit higher education colleges and universities. The definition of the term “project” is expanded to include facilities such as a dining hall, student union, laboratory, athletic facility, health care facility, maintenance facility, storage or utility facility, and other structures or facilities required or useful for the instruction of students, the conducting of research, or the operation of an institution of higher education.

### **HB 553 – Public Libraries**

The bill primarily addresses the Division of Library and Information Services (Division) within the Department of State. The Division is required to coordinate with the Division of Blind Services of the Department of Education in the provision of library services to the blind and physically handicapped persons. In addition, the bill establishes the State Publications Program requiring each state official, department, court, or agency to designate a state publications liaison who must maintain a list of their respective entity’s state publications and to furnish an updated list to the Division by December 31 of each year. Of interest to school districts, the bill amends s. 257.02, F.S., relating to the State Library Council. The duties of the State Library Council are expanded to include advising and assisting the Division with planning, policy, and priorities related to the development of statewide information services. In addition, the composition of the Council is modified to include, among others, one member to represent a school library media center.

### **SB 1216 – Community Development**

The bill is an omnibus growth management bill that addresses several issues. Of interest, but not direct impact, to school districts, the bill eliminates one regional planning council (RPC) and repeals provisions relating to RPCs that have been completed or are duplicative or unnecessary. The bill also provides requirements that certain new projects go through the State Coordinated Review Process rather than the development of regional impact process.

### **HB 1253 – School District of Palm Beach County**

The bill establishes the School District of Palm Beach County Business Partnership Recognition Program to authorize the school district to recognize its business partners by publicly displaying signs with the names of the business partners on school district property in the unincorporated areas of Palm Beach County. The bill provides limitations on the number, size, placement, and appearance of the signs, provides for the removal of any nonconforming recognition signs, and specifies that the provisions of the bill prevail if there is a conflict with county ordinances relating to signs in the unincorporated areas of the county.

### **HB 7001 – Intercepting and Recording Oral Communications**

The bill creates an exception to the general prohibition against interceptions of oral communications. The bill allows a child who is under 18 years of age and a party to the communication to intercept and record an oral communication if the child has reasonable grounds to believe that recording the communication will capture a statement by another party to the communication and the statement by the other party is that he or she intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.



### **HB 7023 – Administrative Procedures**

The bill applies to state-level agencies. Each state agency is required to determine whether each new law creating or affecting the agency's authority requires new or amended rules. If so, the agency must initiate rulemaking and if not, the agency must state why the law may be implemented without additional rulemaking. In addition, the bill revises the existing 180-day requirement to coincide with the specific publishing requirements for state agencies that consist of October 1 for the regulatory plan, November 1 for the rule development, and the following April 1 for the notice of proposed rule.

### **SB 7028 – Educational Opportunities for Veterans**

The bill expands the Congressman C. W. "Bill" Young Veteran Tuition Waiver Program to provide out-of-state fee waivers to a person who is entitled to and uses educational assistance provided by the United States Department of Veterans Affairs for a quarter, semester, or term beginning after July 1, 2015, who physically resides in this state while enrolled in the institution. The bill also directs the Board of Governors and the State Board of Education to adopt regulations and rules to administer these provisions.

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[melton@fsba.org](mailto:melton@fsba.org)

203 South Monroe Street  
Tallahassee, FL 32301  
Phone 850/414-2578 ~ Fax 850/414-2585  
[www.fsba.org](http://www.fsba.org)