Senate Committee on Education

EDUCATION

CS/CS/SB's 366, 382 & 708 — School Readiness Program

by Fiscal Policy Committee; Education Committee; and Senators Holzendorf, Kirkpatrick, Meek, Hargrett and Forman

The bill creates the Florida Partnership for School Readiness, which is assigned to the Executive Office of the Governor for administrative purposes. The partnership will be responsible for adopting and coordinating programmatic, administrative, and fiscal policies and standards for all school readiness programs. The members of the partnership will be the Lieutenant Governor or his designee, the Commissioner of Education, Secretary of Children and Family Services, Secretary of Health, chair of the WAGES program board of directors, chair of the Child Care Executive Partnership board, and 10 private citizens who are business, civic, and community leaders. The Governor will appoint the ten member of the public; eight of the appointments must come from lists provided by the President of the Senate and the Speaker of the House of Representatives.

By July 1, 2000, the partnership must adopt a statewide system for measuring school readiness. Children will undergo this readiness screening upon entry to kindergarten. The partnership will also adopt performance standards and outcome measures for school readiness programs. The partnership must work with the Commissioner of Education, the postsecondary Education Planning Commission, and the Education Standards Commission to assess the extent and nature of instruction available for personnel in early childhood education and child care. The Articulation Coordinating Committee will establish a career path for school readiness-related professions.

Local governance of the school readiness system will be by coalitions of 18 to 25 individuals, representing both the public and the private sectors. As local coalitions form, the partnership will approve their composition and their school readiness plans. The bill establishes incentive grants for development of local coalition plans for school readiness. If a coalition's plan would serve fewer than 400 children ages birth to 5 years, the coalition must either join with another coalition to form a multi-county coalition, enter into an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to implement its plan and meet all performance standards and outcome measures.

A coalition's school readiness program will have available to it state, federal, local, and lottery funds including those for the Florida First Start Program, Even Start literacy programs, prekindergarten early intervention programs, Head Start programs, migrant prekindergarten programs, Title I programs, subsidized child care programs, and teen parent programs. A coalition that is not a legally established corporate entity must enter into a contract with a fiscal agent who will provide financial and administrative services according to the contract.

The partnership can award incentive grants of $50,000 to coalitions that are approved by the partnership by January 1, 2000, and grants of $25,000 to coalitions that are approved by March 1, 2000. The bill appropriates $330,000 for implementing the act in 1999-2000. These funds will pay for incentive grants, development of a screening instrument, and staff for the partnership.

The bill provides flexibility and a possible waiver of certain statutes but maintains programmatic and safety standards. The following statutes will not apply to local coalitions with approved plans: ss. 125.901(2)(a)3., 228.061(1) & (2), 230.2306, 411.204, 411.221, 411.222, and 411.232. A school readiness coalition may apply to the Governor and Cabinet for a waiver, and the Governor and Cabinet may waive, any of the provisions of ss. 230.2303, 230.2305, 230.23166, 402.3015, 411.223, and 411.232, if the waiver is necessary for implementation of the coalition's school readiness plan.

The State Coordinating Council for Early Childhood Services will be reconstituted as a 15-member advisory body to recommend to the partnership methods for coordinating programs and increasing public-private partnerships in school readiness programs. The council, which is established in s. 411.222(4), F.S., will be repealed in 2002.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 40-0; House 117-0

CS/HB 751 — High-Quality Education System

by Select Committee on Transforming Florida's Schools and Reps. Diaz de la Portilla and others (CS/CS/SB 1756, 1st Eng. by Fiscal Policy Committee; Education Committee; and Senators Cowin and McKay)

This bill expands the statewide assessment program, requires the use of test scores in the establishment of performance grades for schools, provides scholarships to enable students in failing schools to attend a different public school or a private school, requires performance-based pay for teachers and administrators, and requires new procedures for monitoring attendance. The bill prohibits the promotion of students based on age or other factors that constitute social promotion. The State Board of Education must

intervene in a school district when one or more schools in the district have failed to make adequate progress for 2 years in a 4-year period.

Student Assessment and School Performance (s. 229.57, F.S.)
The statewide assessment program will test students each year in grades 3 through 10 on reading, writing, and mathematics. Beginning in 2003, science will be added to the statewide assessment program. Public schools will receive performance grades in categories "A" through "F". The grades will be determined by student learning gains as measured by FCAT and other performance data such as attendance and dropout rates, discipline data, and readiness for college.

The Department of Education (DOE) must assign a community assessment team to each district with a school that has a performance grade of "D" or "F". The team of parents, business representatives, educators, and community activists will recommend an intervention plan to the school board, the DOE and the state board.

Beginning with the student and school performance data in 1999-2000, the DOE's annual report must indicate whether each school's performance has improved, remained the same, or declined. Schools with a performance grade of "A" and those that improve two grade categories and meet the criteria for the Florida School Recognition Program may be given deregulated status.

Funding (ss. 24.121, 230.23, 236.08104, 236.013, F.S.)
The bill creates the Supplemental Academic Instruction Categorical fund to provide supplemental instruction to students in kindergarten through grade 12. School boards are encouraged to prioritize expenditures of funds for class size reduction and supplemental instruction (from Specific Appropriation 110-A) to improve student performance in schools that are graded "D" or "F."

Performance-based funding is provided in two ways. The Legislature may factor in performance of schools in calculating performance-based funding in the General Appropriations Act. By June 30, 2002, the salary schedule adopted by a school board must base at least 5% of the annual salary of school administrators and instructional personnel on annual performance. Effective July 1, 2002, the Commissioner will be required to withhold lottery funds from any school district that dos not implement a performance based salary schedule.

Student Progress (s. 232.245, F.S.)
Student progress from grade to grade will be based on achievement. A student may not be promoted based on age or other factors that constitute social promotion. When a student is retained, he or she must receive an intensive program that is different from the previous year's program. A school district must consider an alternative placement for a

student who has been retained for 2 or more years. The State Board of Education must adopt rules to address the promotion of Limited English Proficient (LEP) and Exceptional Student Education (ESE). The DOE must study the effect of mobility on the performance of highly mobile students.

Accountability Commission (ss. 229.593 & 229.594, F.S.)
The Florida Commission on Education Reform and Accountability will be abolished.

School Board Powers (s. 230.23, F.S.)
A school board may declare a state of emergency if one or more schools in the district are failing or in danger of failing. The board may negotiate special provisions of its contract with the appropriate bargaining units to free the schools from contract restrictions that limit the schools's ability to implement strategies to improve student performance.

Pilot Scholarship Program for Students with Disabilities
A pilot program in Sarasota County will provide scholarships for students with disabilities who have failed to meet specific performance levels identified in the student's IEP. The parents may apply for a scholarship regardless of the grade of the school their child attends. Student participation is limited in the first year to 5% of students with disabilities, in the second year to 10% of students with disabilities, and in the third year and subsequent years to 20% of students with disabilities in the school district.

Opportunity Scholarships (s. 229.0537, F.S.)
A school district must offer the parents of a student assigned to a failing school the opportunity to attend a public school with a performance grade of "C" or higher. The ability to attend a higher performing public school will remain in effect until the student graduates from high school. School districts are responsible for transportation costs of students whose parents or guardians choose to enroll their child in a higher performing public school within the district. The district may use state categorical transportation funds for this purpose. If a parent or guardian of an eligible child chooses to enroll and transport the student to a higher performing public school that has available space in an adjacent school district, that adjacent district must accept and report the student for purposes of funding in the FEFP.

Opportunity Scholarships for attendance at a private school will be available to all students enrolled in failing schools, to students enrolled elsewhere in the public school system who are assigned to a failing school, and to those entering kindergarten or first grade who are assigned to a failing school. The scholarship will be available until the student leaves the private school or until the student reaches eighth grade in a school where the highest grade is grade eight; then, if the student's assigned public high school is grade "C" or higher, the scholarship is discontinued.

The Opportunity Scholarship program will be available in 1999-2000 for any of the four schools that have been failing for the previous 2 years, if 40 percent of their students score below level 2 on FCAT.

The maximum opportunity scholarship granted is equivalent to the cost of the program that would have been provided for the student in the public school to which he or she is assigned. Payment must be by individual warrant made payable to the student's parent or guardian and mailed by DOE to the private school of the parent's or guardian's choice, and the parent or guardian must restrictively endorse the warrant to the private school. The school must accept the opportunity scholarship amount provided by the state as full tuition and fees for each student.

A private school must accept Opportunity Scholarship students at random without regard to the student's past academic history. To expel a scholarship student, a private school must adhere to its published discipline procedures. The private school must furnish a school profile which includes student performance. Teachers at a participating private school must have a baccalaureate degree, or 3 years teaching experience, or special skills. The school must demonstrate fiscal soundness by being in operation for one school year or by providing evidence of fiscal soundness specified in the bill.

A private school participating in the scholarship program must comply with federal antidiscrimination laws and meet state and local health and safety laws and codes. The school must be subject to the instruction, curriculum, and attendance criteria adopted by an appropriate nonpublic school accrediting body and be academically accountable to the parent or guardian as meeting the educational needs of the student. The private school must agree not to compel a scholarship student to profess an ideological belief, to worship, or to pray.

The student must remain in attendance throughout the school year, unless excused by the school for illness or good cause and must comply fully with the school's code of conduct. The student's parent or guardian must comply fully with the private school's parental involvement requirements and must ensure that the student takes all required statewide assessments. The student may take the statewide assessments at a location and time provided by the school district.

Performance of Teachers and Administrators (ch. 231, F.S., & s. 240.529, F.S.)
Colleges of Education in the State University System must have the same core curriculum beginning in 2003. Instructional personnel must be proficient with technology-based instruction and must demonstrate pedagogical knowledge of technology for certification. Students in teacher preparation programs will not be able to exempt the College Level Academic Skills Test (CLAST) under any condition, and an alternative to CLAST is deleted from the requirements for professional certification.

The State Board of Education must approve criteria for selection of assistant principals and principals, and authorize school districts to contract with private entities for assessment, evaluation, and training. Principals will be responsible for performance of school personnel and must apply a personnel assessment system approved by the school board.

The state board rules must allow professional educators to add areas of certification to a professional certificate without completing associated course requirements if the certificate holder attains a passing score on an examination of competency in the subject area to be added and provides evidence of at least 2 years of satisfactory evaluations that considered performance. Teachers who have specific subject area expertise but who have not completed a standard teacher preparation program may participate in an alternative certification program for a professional certificate.

School administrators are added to personnel subject to the assessment procedure. Performance of students will be a required assessment indicator for teachers and administrators. The ability to communicate with parents is emphasized. A statewide system of professional development is established to provide inservice training to teachers and administrators, designed to upgrade skills and knowledge needed to increase standards in education.

The State Board of Education must adopt rules so that not-for-profit teachers' associations, under certain conditions, enjoy equal access to voluntary teacher meetings and teacher mailboxes, and may collect membership fees through payroll deduction.

Safety and Discipline (ss. 230.2316, 232.001, 232.17, 232.19, 232.271, 236.081, & 984.151, F.S.)

School improvement plans must include specific school safety and discipline strategies. Superintendents are responsible for enforcing attendance, including making recommendations to the school board. School board policies must require that absences have parental justification, and provide for tracking of absences. The bill revises court procedures and penalties for habitual truancy cases. The superintendent may file a truancy or children-in-need-of-services petition for a habitual truant.

Beginning in the 1999-2000 school year, an average daily attendance factor will be computed by dividing the total daily attendance for all students by the total student membership; this figure is then divided by the number of days in the regular school year (180 days). Beginning in the 2001-2002 school year, the district's FTE membership will be adjusted by multiplying by the average daily attendance factor.

Parents must be notified prior to a student's placement in a dropout prevention or academic intervention program. A school district may not identify a student for the

dropout prevention or academic intervention programs based solely on the student's being from a single parent family.

Beginning July 1, 1999, Manatee County must implement a pilot project to raise the compulsory age of attendance from 16 to 18. The bill requires a study of the district's policy on school attendance, the dropout rate, and cost.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 25-15; House 70-48

HB 765 — Postsecondary Education

by Rep. Lynn and others (SB 664 by Senators Sullivan and Jones)

This bill creates the site-determined baccalaureate degree access program. The program encourages community colleges to bring 4-year institutions to their campuses to deliver baccalaureate programs that meet locally-identified academic and economic development needs. Each participating community college will receive state funds to initiate a baccalaureate degree access program approved by the Postsecondary Education Planning Commission (PEPC). A community college may select any regionally accredited, Florida-based public or private postsecondary institution as its partner, but must first ask at least 3 regionally accredited institutions, including at least one member of the State University System, to participate. The community college will distribute funds to the participating 4-year institution, but may not use the funds to build, renovate, or remodel facilities. The participating 4-year institution must not charge in-state students more than the State University System's (SUS) matriculation fee, unless the approved agreement permits differentiated tuition and fees to encourage attendance and participation. Since tuition is limited to the SUS matriculation fee, students may not receive Florida Resident Access Grants to attend the program. Out-of-state students will pay full costs. PEPC will establish procedures for submitting and approving agreements. The procedures must allow site-based baccalaureate degree programs to be initiated at least three times each fiscal year. Before approving a community college's proposal, PEPC must solicit input from the Board of Regents and the State Board of Community Colleges. PEPC will recommend funding distributions; monitor progress; submit progress reports to the Legislature after the second and fourth year; and evaluate each program after four years. This is a voluntary program; non-participating colleges may continue making independent arrangements for the delivery of baccalaureate degree programs on their campuses. The General Appropriations Act for FY 1999-2000 provides $2 million for this program.

The bill does not allow a community college to offer baccalaureate degrees. A community college board of trustees may ask PEPC to evaluate the college's ability to offer an approved degree program if no 4-year institution will offer it at the community college.

PEPC may recommend that the Legislature enact statutory authority for the college to offer specific baccalaureate degree programs.

If approved by the Governor, these provisions take effect upon becoming a law.
Vote: Senate 40-0; House 115-0.

SB 1288 — Postsecondary Education

by Senator Horne

This bill contains some of the provisions of three measures that had been moving independently: the authority of the community college system to market products related to distance learning, fees for continuing workforce education, and student fees for postsecondary education students at school districts and community colleges.

Marketing Distance Learning Products
Amends s. 240.311, F.S.
The bill authorizes the State Board of Community Colleges to develop, own, and market distance learning products through a not-for-profit corporation. The board may trademark, copyright, or patent these products but must make them "readily available for appropriate use in the state system of education." The board may assess a fee for the products to be used by the state education system, but no more than the cost of producing and disseminating them. It may sell copies of the products to nonpublic schools and the public. The proceeds of sales to nonpublic entities will not be limited to cost.

Student Fees
(Amends ss. 239.117, 240.319, and 240.35, F.S.)
The bill includes the following provisions:

- Provides specific authority for community colleges and school districts to assess student fees currently established in rule.

- Authorizes but does not require community colleges to charge a fee of up to 5 percent of tuition[1] for improvements in safety and security. The college must justify the fee with safety statistics and must spend it on improvements in campus security.

- Authorizes but does not require a technology fee of up to $1.80 per credit hour for resident students and $5.40 per credit hour for nonresident students. The technology fee may be assessed only for associate degree programs and courses.

[1]The word "tuition" is used with its plain meaning, the basic charge for enrollment, rather than its statutory meaning.

- Authorizes community colleges to pledge 50 percent of revenues from the technology fee as a dedicated revenue source for the repayment of debt, including lease-purchase, and to combine the technology fee revenue with others currently allowed to be dedicated. Technology fee revenue may not be bonded.

- Prohibits a community college from raising 1999-2000 fees more than 5 percent above the fees charged for tuition and safety in the previous year. The only case in which a college may assess the maximum allowed for both the technology fee and the safety fee is if it already charged a safety and security fee of at least 5 percent of tuition in 1998-1999.

- Authorizes school districts and community colleges to determine what fees will be charged for continuing workforce education, so long as at least 50 percent of the cost of the program is derived from fees.

If approved by the Governor, these provisions take effect July 1, 1999
Vote: Senate 34-0; House 115-0

CS/SB 1664 — Criminal Justice Training School Transfer

by Education Committee and Senator Horne

This bill creates a new law to transfer two programs from school districts to community colleges. The programs are for criminal justice training in Leon and St. Johns counties: the Pat Thomas Center at Tallahassee Community College and the Criminal Justice Academy at St. Johns River Community College.

The bill transfers real property owned by the school district to the community college. The transfer will be by lease if any part of the property is paid for by local tax dollars and by multi-use agreement if any part of the facility is used for other purposes in addition to public criminal justice training. The Department of Education is directed to analyze the value of property paid for by local taxes and to use the analysis to establish a purchase price. In 2000, each community college may request state funds to purchase the property paid for by local funds.

For the 1999-2000 school year, the school district will receive 15 percent of the funding generated by the program in 1996-1997 and the community college will receive 90 percent of the funding generated in that year.

The bill takes effect upon becoming a law.
Vote: Senate 39-0; House 58-56.

SB 1794 — Student Fees - Postsecondary Remediation

by Senators Kirkpatrick, Mitchell and Meek

This bill amends ss. 239.117, 239.301, and 240.117, F.S., to increase from once to twice the number of times state funding will support a student who repeats a remedial college-preparatory course. On the third attempt, a student will be required to pay the full cost, unless the university or community college has adopted a policy to reduce the fee penalty for a student with financial hardship.

If approved by the Governor, this act takes effect July 1, 1999, with first application in Fall of 1999.
Vote: Senate 38-0; House 103-11

CS/HB 1837 — Child Passenger Restraints

by Judiciary Committee and Reps. Bilirakis, Cantens and others (CS/SB 334 by Judiciary Committee and Senators Sebesta and Lee)

This bill amends s. 316.614, F.S., the Florida Safety Belt Law, to allow law enforcement to stop and detain a driver for a violation of the child restraint laws in s. 316.613, F.S.

The bill requires all school buses purchased after December 31, 2000, and used to transport students in grades pre-K through 12 to be equipped with safety belts or any other federally approved restraint system. A school bus purchased prior to December 31, 2000, is not required to be equipped with safety belts. The bill provides an exemption for certain other vehicles. The bill also provides the circumstances under which certain parties are not liable for personal injuries to school bus passengers. Neither the state, the county, a school district, a school bus operator under contract with a school district, nor an agent or employee of a school district or operator (including a teacher or volunteer serving as a chaperone) is liable for: an injury solely caused by a passenger's failure to wear a safety belt; or an injury caused solely by another passenger's use or non-use of a safety belt or restraint system in a dangerous or unsafe manner.

Passengers on certain school buses must properly wear safety equipment at all times the bus is in operation. Elementary schools are to receive first priority in the allocation of school buses equipped with seat belts or restraint systems.

If approved by the Governor, these provisions take effect July 1, 1999.
Vote: Senate 38-0; House 112-4

CS/SB 1848 — Educational Facilities

by Committee on Governmental Oversight & Productivity and Senator Clary

This bill re-allocates funds appropriated by section 46 of chapter 97-384, Laws of Florida, contingent upon the sale of School Capital Outlay Bonds, by designating $300 million for Effort Index Grants; thereby increasing the amount available for School Infrastructure Thrift (SIT) awards by $100 million. The bill allocates Effort Index Grants to the four school districts previously deemed eligible by the SMART Schools Clearinghouse ($7,442,890 to Clay; $62,755,920 to Dade; $1,628,590 to Hendry; and $414,950 to Madison). The same formula applied to the Classrooms First Program will be used to distribute the remainder of the $300 million among school districts that have exercised certain local efforts to meet capital outlay needs. A district will receive an Effort Index Grant if the district: (1) Received proceeds from either the one-half cent sales surtax for public school capital outlay or the local government infrastructure sales surtax between July 1, 1995 and June 30, 1999; or, (2) Met two of the following: (a) levied the full 2 mills nonvoted, discretionary capital outlay each year during fiscal years 1995-1996 through 1998-1999; (b) levied a cumulative voted millage for capital outlay equal to 2.5 mills for fiscal years 1995-1996 through 1998-1999; (c) received proceeds from school impact fees greater than $500.00 per dwelling unit which were in effect on July 1, 1998; or (d) received proceeds from the one-half cent sales surtax for public school capital outlay or the local government infrastructure sales surtax. A district must pledge its Effort Index allocations to pay debt service on School Capital Outlay Bonds unless the school board certifies to the Commissioner of Education that it has no unmet needs for permanent classrooms. A district school board may not pledge its Effort Index Grant allocation until the district has encumbered any bond proceeds from the Classrooms First Program. Bond proceeds generated by the pledge of Effort Index Grants must be spent first to provide permanent classrooms and related auxiliary facilities. However, if more than 9 percent of a district's total square footage is over 50 years old, the district must spend 25 percent of its Effort Index Grant for the renovation, major repair, or remodeling of existing schools. That expenditure requirement does not apply to districts with fewer than 10,000 full-time equivalent students.

The bill phases out the SIT award for savings realized through the operation of charter schools in non-district facilities. That SIT award may be earned only for savings realized during the 1996-1997 through 1999-2000 school years. After that, districts may earn SIT awards only for frugally and functionally constructed schools. The Department of Education (DOE), rather than the SMART Schools Clearinghouse, must assist districts in building functional, frugal schools. The DOE must review and validate each school district's and community college's educational plant survey, rather than doing so only when required by the Constitution. An appropriate licensed design professional, rather than a structural engineer, may review plans of rented, leased, or lease-purchased facilities for compliance with building and life-safety codes. The bill gives school districts and

community colleges more flexibility in the use of operable glazing (i.e., windows) and requires radon testing only in geographic areas where radon is an environmental issue. When planning and constructing educational, auxiliary, or ancillary facilities, district school boards must use construction materials and systems that meet standards adopted by DOE. If the board plans to deviate from the adopted standards, the board must, at a public meeting, explain the proposed deviation and compare total construction and projected life-cycle costs if the proposed deviation is applied rather than meeting adopted standards. The bill repeals the 1998-99 SMART Schools Small County Assistance Program, a one-time funding program which has been allocated among eligible districts.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 39-0; House 116-0

CS/CS/SB 1924 — Postsecondary Education

by the Governmental Oversight & Productivity Committee; Education Committee; and Senators Grant, Dyer, Laurent, Holzendorf and Horne

This bill is an omnibus higher education act, meaning that it amends a number of sections of the Florida Statutes related only because they deal with higher education policy. It includes the following provisions:

Section 1.
Authorizes participation in the optional retirement program for all employees of the State University System who are classified as Administrative and Professional. *Amends s. 121.3, F.S.*

Sections 2, 5, and 6.
Makes retroactive to May 5, 1997, postsecondary education fee exemptions for the 429 children who were adopted from the Department of Children and Families between that date and December 31, 1997. *Amends ss. 239.117, 240.235, and 240.35, F.S.*

Section 3.
Authorizes a state university to use up to 25 percent of the funds in the Concurrency Trust Fund to update the campus master plan, but no more than once every 5 years. *Amends s. 240.156, F.S.*

Section 4.
Requires the Board of Regents to approve naming a school, college, or center for a living person. *Amends s. 240.209, F.S.*

Section 5.
Requires students enrolled in Programs in Medical Sciences (PIMS) to pay graduate-level fees. *Amends s. 240.35, F.S.*

Section 7.
Defines the term "continuing contract" to increase a university president's contracting authority under the Consultants' Competitive Negotiation Act. A president may contract for $1 million in construction and for $100,000 for studies, compared to the current limits of $500,000 and $25,000. *Amends s. 240.227, F.S.*

Section 8.
Requires an appeals process for undergraduate applicants to a university who are denied admission because of high school grades. *Amends s. 240.233, F.S.*

Section 9.
Adds to the membership of the Council of Student Financial Aid Advisors the Chancellor of the Board of Regents, the Executive Director of the Division of Community Colleges, the Executive Director of the Independent Colleges and Universities of Florida, and the Executive Director of the Florida Association of Postsecondary Schools and Colleges. These ex officio members may have designees. *Amends s. 240.421, F.S.*

Section 10.
Requires the Board of Regents to conduct a program administration process rather than a program review process for the expenditure of funds received from the Brain and Spinal Cord Injury Rehabilitation Trust Fund by the University of Miami and the University of Florida. Deletes authority to expend $10,000 on the process. *Amends s. 413.613, F.S.*

Section 11.
Provides that a person is not required to register as an engineer "for the sole purpose of teaching the principles and methods of engineering design." Teachers of engineering courses that include any other topics must still be registered engineers. *Creates a new section of law.*

Section 12.
Repeals the Women's Athletics Trust Fund, which is inactive. *Repeals s. 240.5335, F.S.*

Section 13.
Reinstates the terms of office of members of the Board of Regents to 6 years. *Amends s. 240.207, F.S.*

Section 14.
Appropriates $200,000 from the General Revenue Fund for the University of Miami, School of Medicine, Office of Minority Affairs. These funds have been provided annually in the General Appropriations Act for 15 years to provide recruitment and retention assistance for minority students in medical school. The students are predominately African-American. *Creates a new section of law.*

Section 15.
Requires the Florida Department of Environmental Protection and the Florida State University to conduct a study of the feasibility of creating the Florida Geoscience Center in Tallahassee and to present findings and recommendations to the Legislature and Governor. *Creates a new section of law.*

Sections 16, 17, 18.
Authorizes nonpublic institutions for higher education to take out loans and to issue bonds based on loans in anticipation of tuition revenues. Revenues from the Florida Resident Access Grant are not considered tuition revenues for this purpose. *Amends ss. 243.19, 243.20, 243.22., F.S.*

Section 19.
Provides an effective date upon becoming a law.
Vote: Senate 39-0; House 113-5

SB 1984 — Florida College Savings Program

by Senators Dyer, Horne, Lee and Clary

This bill establishes the Florida College Savings Program to be operated by the Florida Prepaid College Board. The program is designed to meet the requirements of 26 USCS sec. 529 of the Internal Revenue Code, established by the 1996 Congress (P.L. 104-188). By establishing this qualified state tuition program, Florida will authorize tax deductible investments to pay for the cost of higher education for a designated beneficiary. When they are used, the contributions will be taxed at the beneficiary's income tax rate. Unlike the Prepaid College Program, no guarantee of tuition is provided, and each account is maintained separately so that its actual earnings or losses are reflected in the amount available to pay the expenses of higher education. The bill differs from the Prepaid College Program in the following ways:

- The state guarantees to cover the increase in fees if the funds in the Prepaid Program are not sufficient, but the College Savings Program does not include any guarantees.

- A qualified beneficiary in the Prepaid College Program must be a Florida resident, must be less than 21 years of age, and must not complete the eleventh grade prior to

the purchase of the advance payment contract. None of these requirements applies to a beneficiary of the College Savings Program.

- A qualified beneficiary of the Prepaid College Program may pursue only an undergraduate education, while a qualified beneficiary of the College Savings Program may use the funds for graduate school if they are sufficient.

- A qualified beneficiary of the Prepaid College Program must attend a state postsecondary education institution except under limited conditions, while a qualified beneficiary of the proposed College Savings Program may attend any institution.

- The balance of an account that is terminated under the existing Prepaid Program is reverted to the Florida Prepaid College Board, while the balance of an account that is terminated under the proposed College Savings Program is declared unclaimed and abandoned property as defined in ch. 717, F.S.

All transactions of the program will be open to the public. A separate bill, SB 1980, contained an exemption from public records laws for the identities of donors and beneficiaries and their contribution records, but that provision was not included in the bill that was substituted for SB 1980 and passed (HB 2121).

This bill creates s. 240.553, F.S. and amends ss. 222.22 and 732.402, F.S. It takes effect upon becoming a law.
Vote: Senate 38-0; House 116-0.

CS/HB 2147 — Charter Schools

by Education Innovation Committee and Reps. Tullis, Melvin and others (CS/SB 2434 by Education Committee and Senators Kirkpatrick, Horne, and King; CS/SB 1066 by Education Committee and Senator Sullivan; and CS/SB 1880 by Education Committee and Senator Jones)

This bill revises the charter school law (s. 228.056, F.S.). It requires each school board to accept charter school applications until at least November 15, rather than February 1, of the year before a proposed charter school would open. Each school board must permit students to transfer between districts to attend charter schools and must report the number of students applying for and attending the district's public schools of choice. The bill requires each application and charter to more specifically document the competencies of the individuals or organizations who will operate the charter school and to specify how students' baseline and annual academic achievement will be measured and compared with similar student populations. Before a charter is approved, members of a charter school's governing board must be fingerprinted and undergo a background check. The bill permits long-term charters in three instances. Charter schools operated by municipalities or other

public entities may be chartered for up to 15 years; those operated by private, not-for-profit corporations may be chartered for up to 10 years; and those demonstrating exemplary academic performance and fiscal management may be granted a 15-year charter upon renewal. Each charter remains subject to current provisions which require annual reviews and permit non-renewal or immediate termination for certain violations or non-performance. A district school board may grant a single charter for a municipality to operate a feeder pattern of charter elementary, middle and high schools. The municipality must submit separate applications for each proposed charter school. The bill prohibits charter schools from knowingly employing individuals who were dismissed for just cause by any school district or who resigned from a school district to avoid disciplinary action if the dismissal or disciplinary action was related to child welfare or safety. To codify a recently enacted federal law, the bill requires each school district to distribute federal funds to its charter schools within five months after the schools open or experience enrollment increases. The Department of Education must regularly convene a 9-member Charter School Review Panel. The Senate President, the Speaker of the House, and the Commissioner of Education will appoint two panel members each. The Governor will appoint three members and designate the chair from the panel's membership. The panel must review charter school issues and recommend improvements to the Legislature, the Commissioner of Education, school districts and charter schools.

The bill revises s. 228.0561 and 235.432, F.S., to delete authority to use Public Education Capital Outlay (PECO) funds for charter school capital outlay purposes. Bonded PECO funds could not be legally used for charter schools' primary capital needs (e.g., renting, leasing, or maintaining facilities or buying vehicles to transport students). To conform with this change, the bill deletes district school boards' authority to share PECO funds with charter schools; deletes the mandatory reduction in a charter school's PECO allocation when such sharing occurs; requires deposits in the General Revenue Fund rather than the PECO Trust Fund when state funds are recovered from a lien against properties improved with state funds prior to the termination of a charter school; and deletes an obsolete reference to the FY 1998-1999 PECO appropriation for charter school capital outlay. The bill retains the same allocation formula that applied to PECO distributions. If state funds are appropriated for charter school capital outlay, each eligible charter school will receive an amount equal to one-thirtieth of the maximum cost per student station for each student or a prorated share if the appropriation does not fully fund this formula. Charter schools will no longer have to operate for a least two years before receiving capital outlay funds. They must still have final approval to operate during the fiscal year and serve students in non-district facilities. The bill deletes provisions which required a lien on property improved with charter school capital outlay funds. Before releasing charter school capital outlay funds, the Department of Education must ensure that the district school board and charter school have agreed in writing that unencumbered funds and all equipment and property purchased with charter school capital outlay funds will revert to district ownership if the charter school stops operating. The bill also specifies

that any loans, bonds or other financial agreements involving charter schools are not obligations of the state or the school district. These financial arrangements must indemnify the state or school district from any and all liability. The credit or taxing power of the state or the school district must not be pledged and no debts of a charter school may be paid out of any funds except those belonging to the legal entity chartered to operate the charter school.

The bill also creates a pilot program for charter school districts. The State Board of Education may authorize charter school districts by entering into 3-year, renewable performance contracts with up to six school districts. Participation is voluntary and must be requested by the district school board. The state board must accept applications until October 30, 1999, and may approve pre-charter agreements with potential charter school districts. When approving charter school districts, the state board must give priority consideration to the Hillsborough and Volusia county school districts. Charter school districts, like charter schools, are exempt from the statutes of the Florida School Code and related administrative rules, except those relating to civil rights and student health, safety, and welfare. This exemption does not extend to statutes governing the election of school board members, public meetings, public records, financial disclosure, conflicts of interest, or other statutes outside the Florida School Code. The school board of a charter school district may charter each of its existing schools, request deregulation of its public schools under s. 228.0565, or establish performance-based contracts with its public schools. The state board must submit annual progress reports and, after the first 3-year term, provide the Legislature a full evaluation of the effectiveness of this pilot program.

If approved by the Governor, these provisions take effect July 1, 1999.
Vote: Senate 39-0; House 86-28.

CS/SB 2186 — Public Schools/Deregulated

by Education Committee and Senator Sullivan

The bill amends s. 228.0565, F.S., to extend the pilot program for deregulated public schools through the 2003-2004 school year. In addition to the six school boards that are conducting programs--Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus-- the bill authorizes Lee County Public Schools to conduct a pilot program as well. A district school board will be able to receive and review proposals for deregulated schools at any time, not just during July and August.

A deregulated public school is authorized to request a waiver from, and the commissioner is authorized to waive, the certification requirements of chapter 231, F.S. The purpose of the waiver is to facilitate innovative practices and to allow local school selection of educational methods.

If approved by the Governor, these provisions take effect July 1, 1999.
Vote: Senate 40-0; House 115-1