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MEMORANDUM

TO: School District Superintendents
School District Finance Officers

FROM: Hershel Lyons, Chancellor
Division of Public Schools

Linda Champion, Deputy Commissioner
Division of Finance and Operations

DATE: May 11, 2018

**SUBJECT: New School District Requirements as a Result of House Bill 7055
(Chapter 2018-6, Laws of Florida)**

The 2018 Legislature passed, and Governor Scott signed into law, House Bill 7055. Except as otherwise provided, this law takes effect July 1, 2018. The purpose of this memorandum is to inform school districts of new responsibilities and considerations in this bill. A point of contact for each section is identified below. A link to the bill text can be found at <http://www.flsenate.gov/Session/Bill/2018/7055/BillText/er/PDF>. A complete bill summary can be found at <http://www.fldoe.org/core/fileparse.php/7749/urlt/LegisReviewBook18.pdf>.

Emergency Coordination (Section 8)

- The Commissioner of Education, in the event of an emergency situation, is authorized to coordinate through the most appropriate means of communication with local school districts to assess the need for resources and assistance to enable each school to reopen as soon as possible after considering the health, safety and welfare of students.

Contact: Gregory Davis, 850-245-9175, Gregory.Davis@fldoe.org

Hope Scholarship Program (Section 16)

- This section took effect upon becoming a law.
- Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a K-12 student enrolled in a Florida public school is eligible for a scholarship under this program if the student reported an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault or battery; threat or intimidation; or fighting at school.
- Upon receipt of a report of an incident, the school principal or designee must provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by section (s.) 1006.09(6), Florida Statutes (F.S.). The principal or designee shall also provide a copy of the report to the parent of the alleged offender and superintendent within 24 hours

Contact Information:

See various contacts within
memo

DPS: 2018-48

after receipt of the report. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district shall notify the parent of the student, providing said parents with the option of enrolling his or her child in another public school that has capacity or requesting and receiving a scholarship for the child to attend an eligible private school, subject to available funding.

- The school district in which the student resides must notify each student (and parent) participating in the program in an eligible private school of the location and times to take all statewide assessments.

Contact: Laura Mazyck, 850-245-0502, Laura.Mazyck@fldoe.org

Reading Scholarship Accounts (Section 17)

- Reading Scholarship Accounts are established, contingent upon available funds, and on a first-come, first-served basis, for students in grades 3 through 5 who are enrolled in a Florida public school and scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year.
- An eligible student who is classified as an English Language Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Language Learner students shall receive priority for this funding.
- School districts must notify the parents of eligible students by September 30 of the process to request and receive a reading scholarship, subject to available funds. Parents must submit an application to an eligible scholarship funding organization for reimbursement of qualifying expenditures (e.g., instructional materials, curriculum, part-time tutoring, summer programs, after-school programs).

Contact: Laura Mazyck, 850-245-0502, Laura.Mazyck@fldoe.org

Reading Instruction (Sections 29, 38)

- Beginning with the 2018-2019 school year, the list of 300 lowest-performing elementary schools will be based on a three-year average of state reading assessment data. These schools must provide an additional hour per day of intensive reading instruction to all students in each school, which may be provided within the school day. Students enrolled in these schools who earned a Level 4 or 5 score on the statewide, standardized English Language Arts (ELA) assessment for the previous school year may participate in the extra hour of instruction.
- Beginning with the 2020-2021 school year, intensive reading interventions must be provided by a teacher who is certified or endorsed in reading.
- During the review of existing subject area coverages or endorsement requirements, the department must consider the award of an endorsement to an individual who holds a certificate issued by an internationally recognized organization that establishes standards for providing evidence-based interventions to struggling readers, or who completes a postsecondary program that is accredited by such organization. Any such certificate or program must require an individual who completes the certificate or program to demonstrate competence in reading intervention strategies through clinical experience.

Contact: Richard Myhre, 850-245-0503, Richard.Myhre@fldoe.org

School Wellness and Student Activities (Sections 23, 26)

- CPR and first aid training is encouraged for all students beginning in grade 6 and every two years thereafter, but is not required. School districts that provide instruction in the use of cardiopulmonary resuscitation (CPR) must base the instruction on a nationally recognized program. Students must be allowed to practice the psychomotor skills associated with performing CPR, as well as use of an automated external defibrillator (AED) when a school district has the equipment necessary to perform the instruction.
- A home education student must register his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation. This is a change from the current requirement for a home education student to register intent to participate prior to the beginning date of the season for the activity in question.

Contact: Nichole Wilder, 850-245-0423, Nichole.Wilder@fldoe.org

Instructional Support (Section 41)

- The department shall disseminate sample course-at-a-glance and unit overview templates that school districts may use when developing a curriculum. The templates must provide an organized structure for addressing Florida Standards, grade-level expectations, evidence outcomes and 21st century skills that build toward students' mastery of the standards at each grade level, as well as support teaching to greater intellectual depth and emphasize transfer and application of concepts, content and skills.

Contact: Katrina Figgett, 850-245-0423, Katrina.Figgett@fldoe.org

Statewide Assessments (Section 28)

- Reading passages and writing prompts for the English Language Arts (ELA) assessment must incorporate grade-level core curricula content from social studies.
- When the department publishes assessments as required triennially, they must be in a format that facilitates the sharing of assessment items.

Contact: Vince Verges, 850-245-0513, Assessment@fldoe.org

Industry Certification (Sections 12, 29)

- Industry certification examinations, national assessments and statewide assessments offered by the school district must be available to all Florida Virtual School (FLVS) students. Unless alternative testing can be agreed upon with FLVS, examinations and assessments must be taken at the school to which the student would be assigned according to district school board attendance areas.
- The school district must provide the student access to the school's testing facilities and the date and time of the administration of each examination or assessment.
- A teacher may not be awarded a Career and Professional Education Act (CAPE) industry certification bonus if the teacher fails to maintain the security of any CAPE industry certification examination or otherwise violates the security or administrative protocol of any assessment instrument that may result in a bonus being awarded to the teacher.
- The State Board of Education may adopt rules to establish the criteria under which a student's industry certification or grade may be rescinded.

Contact: Tara Goodman, 850-245-9001, Tara.Goodman@fldoe.org

Educator Programs (Sections 30, 39)

- Beginning with the 2018-2019 school year, any district school board may apply to the State Board of Education by December 1 to participate in the Principal Autonomy Program Initiative, contingent on funds and on a first-come, first-served basis.
- District school boards may authorize participating principals to manage multiple schools within a specified zone to encourage further innovation.
- A school district employee who is no longer a classroom teacher may receive a Best and Brightest Teacher Scholarship award if the employee was a classroom teacher in the prior school year, was rated highly effective and met the requirements as a classroom teacher.

Contact: Eileen McDaniel, 850-245-0435, Eileen.McDaniel@fldoe.org

Other Funding (Sections 29, 31, 32)

- The supplemental academic instruction categorical fund is changed to “supplemental academic instruction allocation.” Beginning with the 2018-2019 fiscal year, each school that earns a “D” or “F” grade must use the allocation to implement intervention and support strategies for school improvement and salary supplements that are provided through a memorandum of understanding between the collective bargaining agent and the school board. Dropout prevention programs are added to the list of eligible uses of the allocation for all other schools.
- The option to use the Safe Schools Allocation funds and Supplemental Academic Instruction Allocation funds for other purposes is removed; however, school districts may use Student Transportation, Research-based Reading Instruction and Instructional Materials funds (provided all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1) to improve student safety, if declared in a resolution adopted by the school board.
- After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as permitted by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools.
- Prior to the allocation of Title I funds to eligible schools, a school district may withhold a necessary and reasonable amount for administration that includes the district’s indirect cost rate, not to exceed a total of 10 percent.
- A school district may withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan.
- Any funds carried forward by the school district are not subject to the requirements of s. 1011.69(5), F.S.
- If payments under lease-purchase agreements in the aggregate, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the millage levied pursuant to s. 1011.71(2), F.S., the district school board may not withhold the administrative fees authorized by s. 1002.33(20), F.S., from any charter school operating in the school district.

Contact: Mark Eggers, 850-245-0405, Mark.Eggers@fldoe.org

Educational Facilities (Sections 22, 43, 44)

- Each district school board shall adopt rules to require the state motto, “In God We Trust,” to be displayed in a conspicuous place in all schools of the district and in each building used by the district school board.
- School districts may only use the following fund sources for educational, auxiliary and ancillary plant capital outlay purposes without a survey recommendation:
 - Capital outlay improvement fund, consisting of funds that come from and are a part of the district’s basic operating budget;
 - Funds from a bond referendum voted on and approved by local taxpayers;
 - Funds from one-half cent sales surtax revenue;
 - Funds from one cent local governmental surtax revenue;
 - Funds from impact fees; and
 - Funds from private gifts or donations.
- A district school board may exempt itself from any provisions in State Requirements for Educational Facilities (SREF code or manual) that limit the ability of a school to operate in a facility on the same basis as a charter school, so long as the regional planning council determines that there is sufficient shelter capacity within the school district, as documented in the Statewide Emergency Shelter Plan.

Contact: Mark Weigly, 850-245-9239, Mark.Weigly@fldoe.org

Charter Schools (Sections 9, 36, 37, 42, 45)

- A charter school that is not subject to a school improvement plan (has a grade of “C” or higher) that closes as part of a consolidation shall be reported by the school district as a consolidation.
- A school district seeking to terminate or not renew a charter contract must have clear and convincing evidence if it finds it has grounds to do so. If one of those grounds is a violation of law, it has to be a *material* violation of law.
- School districts must provide to the department by September 15 of each year the total amount of funding withheld in administrative fees. The information must be included in the department’s annual report on charter school authorizing activity.
- A district school board must reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of governing board members or instructional or noninstructional personnel within 14 days after receipt of the background screening results from the Florida Department of Law Enforcement, or 30 days after submission of fingerprints by the governing board member or instructional or noninstructional personnel.
- Charter schools or charter management organizations, in addition to postsecondary institutions and school districts, may submit to the department an application to establish a Level I school leader preparation program for approval.
- Charter schools or charter management organizations, in addition to school districts, may submit to the department an application to establish a Level II school leader preparation program for approval or renewal.
- School districts are not required to share 1.5 mill discretionary millage funds with charter schools for the 2018-2019 school year; however, school districts are not prohibited from sharing these funds with charter schools.

New School District Requirements as a Result of House Bill 7055

May 11, 2018

Page Six

- Beginning in fiscal year 2019-2020, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2), F.S., if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year.
- School districts shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or at a time determined by the applicant.
- Tangible property that is surplus, marked for disposal or otherwise unused by a school district shall be provided for a charter school's use on the same basis as it is made available to other public schools. A charter school receiving such property may not sell or dispose of it without the written permission of the school district.
- By October 1 of each year, each school district shall certify to the department the amount of debt service and participation requirement that complies with the requirement of paragraph (a) and can be reduced from the total discretionary millage revenue. The Auditor General shall verify compliance with the requirements of paragraph (a) and s. 1011.71(2)(e), F.S., during scheduled operational audits of school districts.
- The bill increased from two to three years the time that an approved charter applicant may defer the opening of their school to provide time for adequate facility planning.

Contact: Adam Emerson, 850-245-0502, Adam.Emerson@fldoe.org

Collective Bargaining (Section 33)

- Before the start of the 2019-2020 school year, each school district and the certified Collective Bargaining Unit (CBU) for instructional personnel shall negotiate a memorandum of understanding that addresses the selection, placement and expectations of instructional personnel, and provides school principals with the autonomy described in s. 1012.28(8), F.S.

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