



Capital Office for Administrative, Accreditation & Legislative Services

February 21, 2009

TO: All FACCS Administrators
FROM: Dr. Howard G. Burke, FACCS Executive Director
RE: Capital Update on Pre-Filed Legislation

As you may have missed the more detailed presentation of major issues confronting Christian and all private schools from a wide range of sources identified during the FACCS Administrator Conference, the following is a brief summary of the major impacting concerns, that have surfaced at this time through pre-filed legislation in the Florida House and Senate.

A substantial review and update was provided regarding the changes underway in the areas of *accreditation, Co-accreditation, early childhood issues, transfer of credits, potential changes in the format of educational delivery options, changes in "religious exemption," scholarship programs, employee screening protocols, multiple publications available for those involved in the VPK Program, and much more.* To assist those desiring additional comprehensive detail **Dr. Wes Scott, in the FACCS Office of Programs Services**, has developed a means whereby those interested may access the Conference materials at a minimal cost.

Impacting Pre-filed Legislation as of February 21, 2009

FL H 3	COMPARE: AUTHOR: TITLE: SUMMARY:	FL S 160 Gibbons (D) Athletic Coaches
	Relates to athletic coaches; requires independent sanctioning authority of youth athletic team to screen background of current and prospective coaches through designated state and federal sex offender registries; requires disqualification of coach appearing on registry; requires written notice to disqualified coach.	
FL H 13	AUTHOR: TITLE: SUMMARY:	McBurney (R) Public K-12 Education
	Relates to public k-12 education; requires Sunshine State Standards for social studies to include emphasis on civics education; requires social studies standards to be included in assessments; requires FCAT to measure student content knowledge and skills in social studies ; provides requirements for administration. NOTE: There is a major move to require the FCAT be provided to all private school students.	
FL H 353	SIMILAR: AUTHOR: TITLE: SUMMARY:	FL S 1010 Porth (D) Mckay Scholarships for Students with Disabilities
	Relates to McKay scholarships for students with disabilities; authorizes students who receive certain services under VPK Program to receive John M; includes the McKay Scholarship; deletes requirement that student must have spent prior school year in attendance at Florida public school or Florida School for the Deaf and the Blind to be eligible for scholarship; provides certain rights and requires information explaining rights and responsibilities.	
FL H 397	AUTHOR:	Skidmore (D)

TITLE: Prohibited Discrimination

SUMMARY:

Relates to prohibited discrimination; **prohibits discrimination based on sexual orientation, gender identity or expression**, pregnancy, familial status, and marital status; defines terms; conforms terminology.

NOTE: This would expand the current Civil Rights language that would negatively impact religious ministries.

FL H 473 **AUTHOR:** Williams A (D)

TITLE: School Bus Safety

SUMMARY:

Relates to school bus safety; designates act Ronshay Dugans Act; designates Drowsy Driving Prevention Week; encourages DHSMV and DOT to educate law enforcement community and public about relationship between fatigue and driving performance; restricts use of mobile telecommunications devices by school bus drivers.

FL H 501 **AUTHOR:** Evers (R)

TITLE: Early Learning

SUMMARY:

Relates to early learning; **transfers powers, duties, and functions of early learning coalitions to the Agency for Workforce Innovation (AWI)**; requires AWI to adopt schedule for transfers, subject to legislative notice and review; **abolishes early learning coalitions upon transfer**; requires AWI to reclaim state records, property, and funds from early learning coalitions.

NOTE: This is believed to be a wise move to bring a unity to the three oversight agencies and eliminate the local complications to properly administer the vouchers.

FL H 619 **IDENTICAL:** FL S 156

AUTHOR: Heller (D)

TITLE: Nonpublic Postsecondary Educational Institutions

SUMMARY:

Relates to nonpublic postsecondary educational institutions; revises provisions relating to licensure of institutions by Commission for Independent Education; revises accreditation requirements and standards by which institutions are evaluated; provides requirements for recognition of academic degrees conferred; requires institutions and commission to disclose certain information.

FL H 645 **IDENTICAL:** FL S 740

AUTHOR: Abruzzo (D)

TITLE: Summer Camp Personnel

SUMMARY:

Relates to **summer camp personnel**; repeals provision relating to exemption from fingerprint requirements for screening purposes which is provided for human resource personnel working at summer camps and other similar facilities.

FL H 659 **AUTHOR:** Stargel (R)

TITLE: Sexual Misconduct with Students

SUMMARY:

Relates to **sexual misconduct with students** and authority figures; provides for **reclassification** of specified **sexual offenses committed against students by an authority figure** or an offender that is acting in such manner as to lead victim to reasonably believe that offender is such an authority figure. **NOTE: There are underlying references to those that could be perceived as authority figures without adequate definition. This bill needs to be more specific to its intended purpose.**

The language and intent of HB 659 is interesting. On the surface this bill looks reasonable and is well intentioned to stop the onslaught of sexual predators that prey on children of all ages. However, take a closer look at the broad language and one will find the terms

SUMMARY:

Relates to [equal rights for men and women](#); ratifies the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

FL S 82 **AUTHOR:** Wilson (D)
 TITLE: Mandatory School Attendance
 SUMMARY:
 Relates to mandatory school attendance; changes the ending age for mandatory school attendance from 16 to 18 years of age.

FL S 100 **AUTHOR:** Wilson (D)
 TITLE: Voluntary Prekindergarten Education Program
 SUMMARY:
 Relates to voluntary prekindergarten education program; [revises the number of instructional hours that are required for a school-year prekindergarten program delivered by a private kindergarten provider](#) and by a public school. **NOTE: Would require delivery of VPK at 720 net hours or comparable to Kindergarten hours.**

FL S 146 **AUTHOR:** Bullard L (D)
 TITLE: School Entry Requirements and Swimming Life Skills
 SUMMARY:
 Relates to school entry requirements, swimming, and life skills; requires children who enter public or private schools in the state to present evidence of having completed a class in swimming life skills conducted by a certified instructor; provides for certain exemptions from the requirement.

FL S 156 **IDENTICAL:** FL H 619
 AUTHOR: Ring (D)
 TITLE: Nonpublic Postsecondary Educational Institutions
 SUMMARY:
 Relates to nonpublic postsecondary educational institutions; requires that a licensed independent postsecondary educational institution notify the Commission for Independent Education of changes in its accreditation status; requires that institutions become accredited within a specified period after licensure; requires that the commission revoke the license or authorization of an institution that does not meet requirements concerning accreditation.

FL S 160 **COMPARE:** FL H 3
 AUTHOR: Ring (D)
 TITLE: Criminal History Record Checks and a Sport Coach
 SUMMARY:
 Relates to criminal history record checks and a sports coach; requires the sanctioning authority of an independent youth athletic team to screen any person who is a sports coach of an independent youth athletic team; requires the sanctioning authority to screen the sports coach through the designated public websites of the Department of Law Enforcement and the United States Department of Justice.

FL S 194 **AUTHOR:** Wilson (D)
 TITLE: School Entry Health and Vision Examinations
 SUMMARY:
 Relates to school-entry health and vision examinations; [requires children who enter public or private schools in the state to present evidence of having received a comprehensive vision examination](#); requires the imposition of a fee on the retail sale of nonprescription eyeglasses; provides for the fee to be used by the DOH to assist parents in paying for school-entry comprehensive vision examinations.

FL S 196 **AUTHOR:** Wilson (D)
 TITLE: School Wellness and Physical Education Policies

SUMMARY:

Relates to school wellness and physical education policies; revises each school district's requirement for reviewing its wellness and physical education policies; provides specific guidelines for a school district's wellness and physical education policies with regard to nutrition education, physical activity, school-based activities, and nutritional guidelines for food and beverages sold or served.

FL S 220	IDENTICAL:	FL H 265
	AUTHOR:	Deutch (D)
	TITLE:	Florida Healthy Teens and Sexuality Education
	SUMMARY:	Relates to Florida Healthy Teens Act and sexuality education; requires public schools that provide certain information or programs to students concerning human sexuality to provide information that meets specified criteria; provides a process to review compliance with such requirement.

FL S 268	IDENTICAL:	FL H 19
	AUTHOR:	Ring (D)
	TITLE:	Health Education
	SUMMARY:	Relates to health education and k-12 grades; amends a provision relating to health education. Deletes provisions that require schools to teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students as part of instruction in human sexuality.

FL S 330	AUTHOR:	Wilson (D)
	TITLE:	School Health Services
	SUMMARY:	Relates to school health services; cites this act as the One School, One Nurse Act; provides legislative intent and purpose relating to public-private partnerships for the provision of school nurse services; provides duties of the Department of Health and the Department of Education; provides a process for a community to submit a proposal to receive matching funds; provides for the scope of services to be provided; provides review and selection criteria.

FL S 346	AUTHOR:	Justice (D)
	TITLE:	Health Education and High School Credit
	SUMMARY:	Relates to Health Education and High School Credit; provides for a mandatory one-half credit in health education, independent of physical education credit requirements, for high school students who enter their first year of high school in 2008-2009; provides a waiver for students who request to take and successfully complete a health education assessment developed by the Department of Education; reduces the number of credits in elective courses.

FL S 520	IDENTICAL:	FL H 17
	AUTHOR:	Hill (D)
	TITLE:	Public School Attendance
	SUMMARY:	Relates to public school attendance; creates the Student Preparedness Pilot Program; requires selected school districts, including the Duval County School District, to review and identify curricula options for certain students; requires students who attain the age of 16 years but have not reached the age of 18 years in pilot program districts who do not regularly attend school to be subject to specific attendance and completion requirements.

FL S 530	COMPARE:	FL H 765
	AUTHOR:	Lynn (R)
	TITLE:	Education Finance Program
	SUMMARY:	

Relates to the Florida Education Finance Program and its requirements; revises provisions relating to the minimum requirements that each school district must meet to participate in the Florida Education Finance Program; **revises the term full-time equivalent student** to conform to changes made by the act. **NOTE: See comment under H 765**

FL S 544 **AUTHOR:** Sobel (D)
 TITLE: Class Size Requirements
 SUMMARY:
 Relates to class size requirements and extracurricular courses; redefines the term extracurricular courses.

FL S 602 **IDENTICAL:** FL H 487
 AUTHOR: Fasano (R)
 TITLE: Prekindergarten Instructors and Credentials
 SUMMARY:
 Relates to prekindergarten instructor credentials; provides legislative findings. **Requires that prekindergarten instructors meet certain educational goals by a specified period.**
 NOTE: This requires a preschool instructor to hold an Associate of Arts Degree by 2010 and a Bachelors by 2013.

FL S 740 **AUTHOR:** Aronberg (D)
 TITLE: Summer Camp Personnel and Fingerprint Requirements
 SUMMARY:
 Relates to summer camp personnel and fingerprint requirements; repeals a specified provision relating to an exemption from fingerprint requirements for screening purposes which is provided for human resource personnel working at summer camps and other similar facilities.

FL S 776 **AUTHOR:** Siplin (D)
 TITLE: K 12 Public Schools
 SUMMARY:
 Relates to k-12 public schools and character-development programs; requires that the character-development program for kindergarten through grade 12 include conflict-resolution management.

FL S 1008 **SIMILAR:** FL H 8003
 AUTHOR: Joyner (D)
 TITLE: Equal Rights for Men and Women
 SUMMARY:
 Relates to equal rights for men and women; ratifies the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

FL S 1010 **SIMILAR:** FL H 353
 AUTHOR: Ring (D)
 TITLE: McKay Scholarships for Students with Disabilities
 SUMMARY:
 Relates to McKay scholarships for students with disabilities; authorizes students who receive certain services under the Voluntary Prekindergarten Education Program to receive a John M. McKay Scholarship; deletes the requirement that a student must have spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind to be eligible for a scholarship.

There are several ideas in this bill that are favorable to non public school participation. The language of the bill would:

- 1. Not require a child to be enrolled in a public school for one year prior to being awarded a McKay Scholarship. It would allow, for instance, a child**

already enrolled in a non public school that has had a diagnosis and a proscriptive program written to then apply for and be granted a scholarship.

2. Require a training program for teachers working with McKay children in the area of student restraint.
3. It would allow children who received intervention and an individual education plan while in VPK to receive McKay assistance in K5.
4. It would allow a private school to arrange for the services required in a student's individual education plan to be carried out elsewhere other than the school's physical site. But such arrangements and the process itself would be under the supervision of a Master.

What raises the caution flag:

A provision in the bill requires that all McKay students be brought under the Federal Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g. The ramifications of this for a faith-based, church-operated school will need legal review. This may produce excessive entanglement which would necessitate faith-based schools to seriously consider ceasing participation in the McKay program.

FL S 1310 **IDENTICAL:** FL H 453
AUTHOR: Gardiner (R)
TITLE: Tax Credits and Nonprofit Scholarship Funding
SUMMARY:
Relates to tax credits and nonprofit scholarship funding organizations; provides for credits against the sales and use tax for contributions to certain eligible nonprofit scholarship-funding organizations; **expands the Corporate Income Tax Credit Scholarship Program to include sales and use tax credits and insurance premium tax credits;** specifies that a taxpayer's use of the credit doesn't reduce alternative minimum tax credits.

FL S 1364 **IDENTICAL:** FL H 719
AUTHOR: Pruitt (R)
TITLE: Florida Bright Futures Scholarship Program
SUMMARY:
Relates to The Bright Futures Scholarship Program; revises provisions relating to the refund by an educational institution to the Department of Education of funds received for courses dropped by students after the end of the drop and add period; provides an exception from the prohibition against the use of scholarship funds for certain courses. Revises credit-hour requirements for renewal of a scholarship.

In 2008-2009, the scholarship program received \$435 million and served 168,922 Florida students. Across the state, about 87 percent of in-state freshmen at universities qualify for one of the awards.

The Office of Program Policy Analysis and Government Accountability laid out several options for lawmakers of possible changes to the scholarship program should they decide the state can no longer afford it as is. OPPAGA research indicated that if the SAT requirement was raised from 1270 to 1290 for students applying for full tuition scholarships, it would reduce the number of students who are eligible by 19 percent and save the state \$2.7 million in the first year.

At this time there appears to be a clear move to freeze the amount of the scholarship, turn the future award toward a means-based process, thus cutting out most future potential recipients that would currently qualify, and authorizing universities to increase tuition's 10-15% without increasing the scholarship.

FL S 1540 **AUTHOR:** Wise (R)
TITLE: Zero Tolerance Policies and Schools
SUMMARY:

Relates to zero-tolerance policies and schools; revises the requirements for zero-tolerance policies; deletes provisions relating to agreements with the county sheriff's office and local police departments; requires that such agreements specify guidelines for addressing acts that pose a serious threat to school safety; prohibits said policies from requiring the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency.

FL S 7050 **AUTHOR:** Senate Education - Pre-K - 12 Committee
TITLE: Criminal Background Screening

SUMMARY:

Relates to criminal background screening; **revises the term child care personnel and screening to specify the personnel who are subject to the screening requirements** and conform to changes made by the act; prohibits the DCFS from adopting different background screening standards for facilities that serve different age groups. **NOTE: This bill is an attempt to unify the early childhood area with the K-12 in regard to the process of last Session's Ethics in Education Act. The major issues deal with who will promulgate rules; how will definitions be drafted by the DCF; what additional criteria will be required since the legislation provides this information will "not be limited to..." which appears to give a blank check to the bureaucracy; who will pay for the expectations required; who will be the recipient of the confidential information; and is this an unfunded mandate with a negative fiscal impact on the private sector?**

SB 7050 on the surface appears to outline the current process for those that have opted to participate in a State Scholarship or the VPK Program. Up to this date many of these procedures have been generally followed policy but are not enshrined in statute. However, in review of the proposed bill there are some potential red flags that all "religious exempt, nonpublic schools with kindergartens or before/after care programs, & other private providers offering the VPK Program may want to consider in the following areas:

Line 123: "Screening is not limited to..." if it is not limited to Level 2 mandates then what else may be provided or required through the rule making process after the legislation is passed?

Line 175 "Definition of Good Moral Character" is a DCF prerogative, to be set by developed rule, and is not established in the bill. Thus, this may or may not be in agreement with your definition of such, governance policies, etc. and may be changed at any time by the Department. This definition should be stated up-front so everyone is on the same page as this goes through the legislative process.. Since the statute currently has a "definitions section" put this in black and white and bind the hands of the state agencies given rule-making authority.

Line 209 "Screened before employment" could create a complication for a highly qualified or interim replacement that, as has been experienced when the department or other agency (FDLE/FBI) cannot read the fingerprints and the person completes the process several times. There needs to be a reasonable limitation of time for good faith to be achieved if there is not an identifiable reason to deny employment based on historical records available that would evidence an unacceptable criminal history.

Line 237-249 has enough verbiage to cause some question.

Line 279-283 opens the door for potential conflict.

Physical access of faith-based ministries by the DCF/designated agency for review of screening verification is one thing but this bill does open the door beyond screening verification. If this review is conducted by an uninformed state/county employee or representative it may, as has been the case due to the perpetual transition of personnel in such positions, create issues based on a lack of knowledge or personal whim. Additionally, with the deficit funding of the DCF, etc. who is going to pay for such site review at exempt programs (FS 402.316/FS 402.3025) or private/nonpublic schools. This could create an unfunded mandate expense set through the promulgation of DCF rules and/or by county edict.

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