



Capital Office for Administrative, Accreditation & Legislative Services

April 22, 2009

TO: All Administrators

FROM: Dr. Howard G. Burke, FACCS Executive Director

RE: Capital Update

As the Florida Legislative Session continues toward closure on May 1st, the unusual session is still allowing for committees to meet placing untold numbers of bills onto the Calendars & feathers are being ruffled due to the differences in the budget between the House and Senate. The following provides the latest insight on major bills moving that will likely pass that have an impact on Christian & nonpublic schools in Florida.

Additionally, information is provided on educational issues of interest; the latest guidance from the U.S. Office of Nonpublic Education on Title IX, the American Recovery and Re-Investment Act, and a timely plea to wake-up on the matter of actions taking place on nationalizing health care.

CORPORATE SCHOLARSHIP

The House took up HB 453 (Companion SB1310) that would expand the Corporate Income Tax Credit Scholarship by allowing companies to get the credit on insurance premium taxes. The program would still have a \$118 million cap – but will allow the additional credit in an effort to reach the cap. The scholarships are then used to allow low income children to attend private schools. Rep. Will Weatherford answered several questions about the measure, which was then **rolled to third reading**. These bills change the name of the program to Florida Tax Credit Scholarship Program. Companies are able to receive tax credits retroactively for tax years that began during calendar year 2006, 2007, or 2008. The bill provides that upon request from an eligible scholarship funding organization, a school district shall inform those households in the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply for the scholarship. The action today paves the way for final approval.

HIGH SCHOOL GRADUATION STANDARDS

The House took up (HB 1203) increasing graduation standards, phasing in more math and science classes. Rep. Erik Fresen entertained questions on the new requirements. The bill was amended to include HB 543, which requires students to pass Biology I to graduate. The bill was **rolled to third reading**. The measure will begin with freshmen in the 2010-2011 school year to take at least one year of algebra and one year of biology in order to graduate. Then, beginning with freshmen in the 2012-2013 school year, students would be required to take a year of algebra, a year of geometry and then another year of algebra or an approved equivalent. It would also require a year of biology, a year of chemistry and another credit of a higher level science class. At least two of the courses must have a lab component.

FERPA

HB 7117 aligns the Florida's Student Education Records law with the federal Family Educational rights and Privacy Act. It was **moved to third reading**. HB 7119 restates public record exemption for Florida's student records law. It was **rolled to third reading**.

POST-SECONDARY BILLS

SB 1364 - The bill requires full-time students funded in the 2009-2010 academic year and thereafter to complete at least 24 semester hours or the equivalent per academic year for renewal of the Florida Bright Futures Scholarship. If a student fails to earn the minimum number of hours required to renew the

scholarship, the student loses his or her eligibility for renewal for a period equivalent to one (1) academic year. The bill was voted Favorable by Higher Education Committee (4-0); Now in Higher Education Appropriations HB 719 - Favorable with CS by State Universities & Private Colleges Policy Committee (9-0); Favorable by State Universities & Private Colleges Appropriations Committee (8-0); Favorable by Full Appropriations Council on Education & Economic Development; (20-0) and is now **on the Calendar under second reading**.

FHSAA SAFETY COURSE

SB 2066 - Provides that completion of a sports safety course shall meet certain certification requirements. Requires the sports safety course to be approved by the Florida High School Athletic Association Board of Directors and to meet specified requirements. The bill passed Favorable as a Committee Substitute (CS) in the Education Pre-K-12 Committee (8-0); Now in Education Pre-K-12 Appropriations HB 1539 - Favorable with CS by PreK-12 Policy Committee (12-0).

EDUCATOR SEXUAL MISCONDUCT

SB 1892 - 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. The companion bill HB 659 was approved Favorable by Public Safety & Domestic Security Policy Committee; (7-0); Favorable with CS by Education Policy Council; (11-0); and is moving forward.

STATEWIDE STUDENT ENROLLMENT

The projected school enrollment has taken a dive from this past year. The latest calculation for the 2008-2009 school year puts enrollment at 2,618,006. The recent numbers released placed next school year's public school enrollment at 2,608,006, a decrease of 10,000.

BILLS WITHDRAWN FROM FURTHER CONSIDERATION

The Senate has removed the following bills from further consideration: SB 400; SB 410; SB 464; SB 534; SB 540; SB 562; SB 882; SB 966; SB 1066; SB 1214; SB 1366; SB 1420; Senate Memorial 1568; SB 1594; SB 1820; SB 1882; SB 2568; and SB 2202.

U.S. DEPARTMENT OF EDUCATION ISSUES REVISED NCLB TITLE IX GUIDANCE

The U.S. Department of Education, Office of Non-Public Education (ONPE), has issued revised guidance on equitable services – [Title IX, Part E, Uniform Provisions, Subpart 1, Private Schools, Equitable Services to Eligible Private School Students, Teachers, and Other Educational Personnel \(Non-Regulatory Guidance\)](#), March 2009. This guidance is designed to assist State and Local education agencies (SEAs and LEAs) and private school officials in implementing equitable services for private school students and teachers for those programs governed by the Title IX uniform provisions under the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act (NCLB).

The revised guidance contains 24 new questions (Sec. C, 1-2; Sec. D, 16-27; Sec. E, 4-5; Sec. F, 10-12; and Sec. G, 6-10) and 13 additional resources (Sec. J, 2-10 and 13-16). The majority of new questions address the consultation process and the delivery of equitable services for private school students and teachers. Further, there are new resources that will serve to enhance the consultation process and the planning, development and implementation of equitable services, which include: sample timelines for consultation, consultation checklists for LEAs and private school officials, a needs assessment and program development plan, and SEA and LEA Web sites that have private school pages and information regarding equitable services to private school students.

ONPE appreciates the assistance of the SEA and LEA federal program directors and the private school officials who submitted questions and sample documents to include in this guidance.

Note: This Title IX guidance governs the equitable services requirements under all NCLB Programs except Title I, Part A; Title V, Part A; and Title V, Part D, Subpart 6. Additional

information on these programs requiring equitable services to private school students and teachers is located on the [Office of NonPublic Education Web page](http://www.ed.gov/policy/elsec/guid/equitableseguidance.doc).
<http://www.ed.gov/policy/elsec/guid/equitableseguidance.doc>

U.S. DEPARTMENT OF EDUCATION ISSUES ARRA GUIDANCE

Today, the U.S. Department of Education issued guidance related to the [American Recovery and Reinvestment Act of 2009](#) (ARRA). The guidance is intended to assist SEAs and LEAs with implementing the provisions of the Act and includes a number of questions about services to students in private schools.

Guidance on ARRA Funded Title I, Part A Services Related to Private School Students

Title VIII of ARRA includes provisions related to Title I, Part A of the Elementary and Secondary Education Act (ESEA). The ARRA Title I, Part A provisions require the equitable participation of eligible private school students and teachers. Section D of the [ARRA Title I, Part A guidance](#) focuses on the benefits available to such students and teachers, and includes three questions that address these issues: **D-6, D-7, and D-8**. This guidance emphasizes the need for timely and meaningful consultation prior to any decisions being made about the provision of equitable services for eligible private school students.

Guidance on ARRA Funded IDEA Services to Parentally Placed Private

Title VIII of ARRA includes provisions related to the Individuals with Disabilities Education Act (IDEA). The ARRA IDEA, Part B provisions require that equitable services be provided to eligible children with disabilities enrolled by their parents in private schools. Section F of the [ARRA IDEA, Part B guidance](#) focuses on the benefits available to parentally placed children with disabilities and includes three questions, **F-1, F-2, and F-3**. The consultation process is highlighted in this guidance.

Guidance on ARRA SFSF and Services to Private School Students

Title XVI of ARRA addresses the State Fiscal Stabilization Fund (SFSF). The [SFSF guidance](#) includes questions related to private school students. Question **III-D-15** states that ARRA does not require an LEA to provide equitable services to private school students with SFSF funds, however, the LEA may provide services for private school students and teachers to the extent that the activities are authorized by the ESEA, the IDEA, the Adult Education and Family Literacy Act, or the Perkins Act. Question **III-D-2** and **IV-3** clarify that no stabilization funds may be used to provide financial assistance for students to attend private elementary and secondary schools unless the funds are used to provide special education and related services to children with disabilities as authorized under IDEA.

CONGRESS IS TAKING YOUR HEALTH CARE NOW (Excerpt from: Dave Zanotti at the American Policy Roundtable)

Do you want a nameless, faceless bureaucrat far away in Washington D.C. to determine if someone you love lives or dies? Six weeks from now – you will be facing that reality.

Reports from Capitol Hill make it clear that Congress is moving at warp speed to pass a yet unseen federal healthcare takeover plan. Congressional leaders are promising to send a bill to the President by June. That bill will cost trillions of dollars, raise your taxes, and most importantly – place your health in the hands of a faceless federal bureaucracy.

Back in 1994 we faced a challenge every bit as sobering. We still have a copy of Hillary Clinton's Health Security Act. We helped mobilize citizens in 14 states who rallied to defeat this measure in Congress. People said nationalized healthcare was inevitable. They were wrong then. They are wrong today.

This is not a joke. This is not "politics." This is a matter of real people you love living and dying at the hands of a Congress that doesn't even read the bills they pass. In six weeks they will not have read, debated or thought through this new healthcare measure either.

Congress has an exclusive healthcare plan which you pay for. They can vote themselves any benefits they please for as long as they please. **Healthcare for you?** Sorry, you are a part of the cost-cutting plan. That means your healthcare will be rationed. Forget what you want, need or are willing to pay for. You will get the healthcare they choose or you will get no healthcare at all.

The Clinton plan failed in 1994 because people rose up and said NO! and threw the radical left social engineers out of Congress. Now they are back today with a vengeance...

This is not about Democrats and Republicans. This is about you losing the right to choose the most basic decisions for your health and your family.

In the next six weeks you have to choose. Will you let Congress take away your right to decide your own healthcare or will you stand up and fight? Here is how we can help:

1) Visit APRoundtable.org. You will find a vast library of information on healthcare in the US and around the world. ([View Roundtable's Report on Healthcare](#) and [news articles on this subject](#).)2) Listen to The Public Square[®] programs found at APRoundtable.org. They will help as well. ([View the list of programs on healthcare](#).)3) [Call and email your members of Congress today](#). Tell them to vote "no" on any bill that increases the role of the federal government in healthcare. No means no, not now, not ever.

PRIVATE SCHOOL STATISTICS

The National Center for Education Statistics (NCES) released its biennial report on private elementary and secondary schools, noting that in the fall of 2007 there were 33,740 such schools with 456,266 teachers serving 5,072,451 students in grades K-12.

For the first time ever, the report from the Private School Universe Survey (PSS) includes counts from what NCES calls "K-terminal" schools, which are schools in which the highest grade is kindergarten. The report notes that because of this change, "the estimates in this report are not directly comparable to the estimates in the main tables sections of previous PSS release reports." The 2005 report, for example, identified 28,996 private schools in the United States, but the dramatic increase in the number of schools between 2005 and 2007 may be explained by the addition of K-terminal schools.

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