



Capital Office for Administrative, Accreditation & Legislative Services

March 11, 2016

TO: All FACCS Administrators

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

RE: Capital Report on Conclusion of the 2016 Legislative Session

The Florida House and Senate today announced Sine Die (the conclusion of the Legislative Session) on time and in a much more congenial fashion than the 2016 Session after passage of the \$82.3 billion budget for the fiscal year that beginning July 1, 2016. The House approved the budget 119-1 and the Senate approved it 40-0. There are several bills that are yet unclear as they were going between the House and Senate for concurrence such as the package of Athletic Bills H7039 (S684, s980, S1026, S1076) which did pass as a massive amendment. It appears all were on the train and did get through and will go as a package to the Governor.

Additional bills H229 on bullying/harassment with a three year review by districts did pass but without the sexual orientation amendment. Homebound/hospitalized students H585 passed as did allergy treatments permissions for use of auto injectors in public and private schools and an expansion of screening for childcare personnel in H1125.

Below you will find the major know legislative efforts that are of impact to the Christian school and private sector. A larger comprehensive Capital Report will follow next week.

Religious Liberty:

After passing the House on Wednesday, HB 43 (Plakon) achieved final passage in the Senate on Thursday, and is on its way to Governor Scott for his signature. The bill prevents churches or religious organizations - or individuals employed by these entities, including clergy - from being forced to solemnize any marriage or provide services, facilities or goods for related purposes if such action would violate sincerely held religious beliefs.

Religious freedom requires protection due to many uncertainties under the law as a result of last year's U.S. Supreme Court ruling that redefined marriage to accommodate same-sex couples. While clergy are currently protected from performing marriages to which they object, layers of protection in law can be helpful, especially if they stave off frivolous litigation.

On Thursday Gov. Rick Scott signed the "Pastor Protection Act," the measure (HB 43), filed by Rep. Scott Plakon, R-Longwood which will prevent churches, pastors and

church employees from facing lawsuits for discrimination if they refuse to perform gay and lesbian weddings. Its passage follows a landmark U.S. Supreme Court ruling last year that found same-sex couples have a fundamental right to marry

Convenience Fees:

House Bill 145 by Rep. Kionne McGhee (D, Cutler Bay) signed by Governor Scott this week allows private schools to pass along convenience fees to families paying for tuition, fees or other student account charges by credit card. The bill is effective July 1, 2016. The definition for "private school" as used in the new law is a cross reference to an existing statute (S. 1002.01, F.S.).

Personal Learning Savings Accounts:

SB 672 by (Gaetz) expands the Personal Learning Scholarship Account Program to include eligibility for autism spectrum disorder and muscular dystrophy; and, allows reimbursement for transition services by job coaches. The bill also re-names the program as the Gardiner Scholarship Program (in honor of current Senate President Andy Gardiner and his family). This bill was approved by the Governor on January 21st.

Dual Enrollment & McKay Scholarship Transition-to-Work Bills:

A combination of bills by Representative Belica and Senator Stargel in CS/SB 824 relates to the Dual Enrollment Program. An alternate House bill HB 835 by Eisnaugle had preferred language but Senator Don Gaetz (Senate Appropriations Chair) would not allow the Senate companion to be heard in Full Committee and Senator Stargel backed-off by agreement to advance the McKay Scholarship bill (*Editor's Note: Compromise and Politics stink but that is the way of legislators that handle multiple causes and get on the wrong side of Senate or House leadership*). The Senate Bill was substituted for the House companion and returned to the House for concurrence. The bill requires state colleges or universities to establish agreements with local private schools to allow high school students to take certain free courses; designates state funding to cover tuition costs for dual enrollment otherwise invoiced to private schools.

The modified CSSB 824 appears to allude to the potential of challenging a state college to provide dual enrollment; however the issue of cost is still a question. In the original amendment Lines 274-276 deleted the "may" enter into a dual enrollment agreement. Line 244 stated that a postsecondary institution "must" enter into a dual enrollment agreement with a private school. This change does not allow a postsecondary institution to refuse to provide an articulation agreement if the private school refuses to pay.

Lines 267 – 271 allow the private school to say, we are not going to pay tuition for the student. Lines 277-284 state that the postsecondary institution can seek compensation in the next 2017 Session in the General Appropriations Act. **That is where the**

questions rise. Thus, private schools could refuse to pay but the colleges cannot deny student access, therefore the college would be forced to seek compensation the following year (2017) based on the number of dual enrollment classes private school students complete.

Further the FDOE is required to receive the articulation agreements and see if colleges are denying private school students access or refusing to establish an articulation agreement with a private school. Once this is achieved along with additional research we could have actual documentation/statistics for the 2017 session that would validate the student numbers and financial detail to achieve a reasonable state appropriation beneficial to the private school sector. While this looks like progress it is still not a conclusive assurance that this will resolve the dual enrollment issue until the 2017 Legislative Session.

Having stated the above let me reemphasize the current situation with dual enrollment next school year will be much the same as it is now. Some public colleges and universities will see it as a benefit to allow private school students to in effect check out their institutions without any charge to the student OR his or her private school. Others will offer the courses for “free” to the student but will require the private school to reimburse the cost of the standard tuition rate. In other words, while this advances the discussion it still leaves the problem in place that the private student cannot be charged but his or her school can depending upon how things are set-up in the written articulation agreement. The articulation agreement must be read very carefully as they will outline the tuition approach and if not satisfactory reject the agreement.

CSHB 837 by Bileca and CSSB 1088 by Stargel relating to the John M. McKay Scholarships for Students with Disabilities Program exempts a foster child from specified eligibility provisions; creates a transition-to-work program for specific students enrolled in the McKay Scholarships for Students with Disabilities Program; exempts a McKay Scholarship award from a specified funding calculation for purposes of the Florida Education Finance Program (which means there will not be a 1/6th charge against the Scholarship if a student participates in the Florida Virtual School), etc. The effective date is July 1, 2016 if signed by Governor Scott.

VPK Level-Funded for 2016-2017:

The VPK amount for the 2016-2017 school-year will be approximately \$2,437 per child. The House had advocated for a \$37-per-child increase but the Senate position to level fund the scholarships appears to have prevailed at this time. This is still an area of concern as the Base Student Allocation (BSA) for VPK has been reduced by nine percent since the time of the Great Recession began during the 2007-2008 school year.

Early Childhood Legislation:

SB 7034 & HB 7053 by their respective Chamber Committees were passed with “concurrence,” but the full disposition is not yet available. The bills relate to the massive Federal acceptance by Florida of the **Child Care and Development Block Grant**

Program; provides an exception from a prohibition against the use of information in the abuse hotline for employment screening of child care personnel; expands the list of entities that have access to child abuse records for approving providers of school readiness services; requires school readiness program providers to provide Department of Children and Families and local licensing agencies with access for inspection purposes. The outcome of this legislation will be further discussed in a follow-up Capital Report. The biggest aspect of the legislation will impact those that offer School Readiness or in relation to the new expansion of the DCF Clearinghouse for Screening and Background Checks.

FEFP and Florida Tax Credit Scholarship Program Amount for 2016 -2017

The Florida Education Finance Program (FEFP) is likely to be set at \$7,178.49 per-child. The Florida Tax Credit Scholarship Program amount for 2016-2017 will be 82 percent of FEFP due a previous legislative expansion of the scholarship program. Step Up For Students is tentatively projecting that the basic FTC scholarship amount for next school year will be \$5,886 per student. Remember that is a projection and not a fact until everything is read with a fine-toothed comb in the coming weeks.

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