

FCIS 2017 Legislative Report

The Gardiner Scholarship

There are still some details being worked out between the Department of Education and the Scholarship Funding Organizations in order to implement the most recent legislation.

While the Gardiner Scholarship is designed to allow parents of children with disabilities to take control of their child's therapies and services, the money can also be used to pay for services and tuition at eligible private schools. In some cases, the Gardiner may provide more funding per student than the McKay Scholarship.

During the Legislative Session two bills, HB 15 and HB 7069, were passed and signed by the Governor to amend the Gardiner Scholarship. These new laws will

- Expand the Gardiner Scholarship to include students identified
 - with a rare disease which affects patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders;
 - with anaphylaxis;
 - as deaf;
 - as visually impaired;
 - as dual sensory impaired as defined by the rules of the State Board of Education and evidenced by reports from the local school district;
 - as traumatic brain injured;
 - as hospital or homebound, with a medically diagnosed physical or psychiatric condition or illness defined by rules of the State Board of Education, evidenced by reports from the local school district, and confined to the home or hospital for more than 6 months.
- Allow the scholarship to be used for
 - services approved by a hospital in this state;
 - horse therapy if the center is a member of the Professional Association of Therapeutic Horsemanship International;
 - music therapy if therapist is certified by the Certification Board for Music Therapist; or
 - art therapy if the therapist is credentialed by the Art Therapy Credentials Board. Inc.
- Eliminate the requirement that an "IEP" must be reviewed or revised within the last 12 months.
- Allow an "IEP" to be written under the rules of another state.
- Allow a diagnosis to be written by a physician who holds an active license by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

- Require the parent to procure the necessary educational services for the student within 2 years. If the student's account has been inactive for 2 consecutive fiscal years, the student becomes ineligible for additional scholarship payments until the scholarship funding organization verifies that expenditures from the account have occurred.
- Close a student's scholarship account if the account has been inactive for three consecutive fiscal years and returns any remaining funds to the state.
- Prohibit the parent from billing an insurance company, Medicaid, or any other agency for the same services paid by the Gardiner Scholarship.
- Establish, beginning in the 2017-18 fiscal year and thereafter, that the funding for a new student entering the program will be based on the student's matrix level of services determined by the "IEP." The student without a matrix will be funded at a Level III matrix of services.
- Increase the funding for the program by \$30 million in order to serve children on the waiting list.

NOTES:

1. The Department of Education website defines each of the disabilities included in the Gardiner Scholarship. The definitions can be found at:

<http://www.fldoe.org/academics/exceptional-student-edu/ese-eligibility/>

2. The student's "IEP" will need to verify the disabilities for dual sensory impaired and hospital/homebound as required by law.

3. Questions relating to the implementation of the new provisions can be answered by the two nonprofit Scholarship Funding Organizations approved to administer the scholarship program.

AAA Scholarships www.aaascholarships.org

Step Up For Students <https://www.stepupforstudents.org/>

Voluntary Pre-Kindergarten Program

- The base student allocation per full-time equivalent student for the school year 2017-2018 program shall be \$2,437 and the base student allocation for the 2018 summer program shall be \$2,080.
- SB 2500, the Appropriations bill, under the category of EARLY LEARNING STANDARDS AND ACCOUNTABILITY, provided to the Office of Early Learning, \$1.8 million
 - for the Voluntary Prekindergarten research-based pre- and post-assessment
 - to implement Voluntary Prekindergarten accountability standards

- to be distributed to Voluntary Prekindergarten providers, early learning coalitions and school districts to support the continued implementation of the Voluntary Prekindergarten Progress Monitoring Assessment developed by the Department of Education in collaboration with the Florida Center for Reading Research
- for professional development opportunities and online training for Voluntary Prekindergarten providers with a focus on emergent literacy and mathematical thinking.

Quality Rating and Improvement System (QRIS)

In the final hours of the conference committees, \$12,000,000 in nonrecurring funds from the Child Care and Development Block Grant Trust Fund was provided for Early Learning Performance Based Incentives to be allocated based on a methodology approved by the Office of Early Learning to award child care providers and instructors for improving school readiness program outcomes. The funds will be administered by the Office of Early Learning in coordination with the early learning coalitions to provide consistent standards and leverage community efforts to support a coordinated statewide system of quality.

There is no further explanation of what this means. This language could create a statewide rating system and become a threat to accreditation and religious exemption. This will need to be monitored very carefully in the next year to make sure that the State does not set uniform standards for child care that could be applied to VPK. Providers will need to keep FCIS apprised of any developments on standards that you hear about. The FAANS organizations need to be very involved and follow this as the standards are being developed. FCIS and other organizations believe that accreditation ensures quality.

Committee on Early Grade Success

A new Committee on Early Grade Success was created within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

The committee's proposal must include legislative recommendations for the design and implementation of a coordinated child assessment system, including, but not limited to:

- The purpose of a child assessment, with a focus on developmentally appropriate learning gains.
- Attributes for tool selection that provide guidance on procurement policies.

- An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.
- The methodology for collecting and analyzing data that define reporting requirements.
- A budget for the system, including cost analyses for purchasing materials and the necessary technology, training to ensure reliability, and data system management.
- Considerations for student privacy and tracking child development over time.

The committee is composed of 17 members who are residents of the state and appointed as follows:

- Three members appointed by the Governor, one of whom is a parent of a child who is 3 to 6 years of age.
- Fourteen members jointly appointed by the President of the Senate and the Speaker of the House of Representatives:
 - One representative of an early learning provider
 - One representative of a faith-based early learning provider
 - One representative who is a kindergarten teacher with at least 5 years of teaching experience

The Committee will meet 3 times a year, and The University of Florida Lastinger Center for Learning shall provide the committee with staff necessary to assist the committee in the performance of its duties.

NOTE: FAANS needs to fill as many of these positions as possible in order to ensure that this committee does not develop standards and assessments that negatively impact the independence of private schools and create impossible goals for young children.

Bright Futures Scholarships

Money was appropriated in SB 2500 for an increase in Bright Futures Academic Scholarship award; however, SB 374 which had the language to change the law, was vetoed by the Governor. Therefore, it took the Department of Education until the end of the week of July 10 to finally determine that the money would be spent as was intended in SB 374, but the Legislature will have to pass a bill in the upcoming Session to make the increase reoccurring. For the 2017-18 school year, the Bright Futures Academic Scholarship will pay

- 100% of tuition and fees for the fall of 2017 and spring semesters
- an additional \$300 each fall and spring academic semester or the equivalent for textbooks and college-related expenses
- for 2018 summer term, awards for Academic Scholars only at 100 percent of tuition and applicable fees

Florida Tax Credit Scholarships

HB 15 increased the awards the Tax Credit Scholarships. The awards will now be a percentage of the unweighted FTE funding amount for the 2017-18 state fiscal year and thereafter and will be as follows:

- 88% for a student enrolled in kindergarten through grade 5.
- 92% for a student enrolled in grade 6 through grade 8.
- 96% for a student enrolled in grade 9 through grade 12.

For a scholarship amount awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32, it is limited to \$750.

HB 15 originally had language in the bill which would allow the Scholarship Funding Organizations to develop and offer a professional development system which would provide a Master-in-Service plan for teachers in the private schools that offer Tax Credit Scholarships. FCIS and other associations within FAANS believed that was inappropriate and fought to have that removed. It was removed, but with the promise that FAANS would work with Step Up For Students this summer to try to come up with a way to report professional development for teacher in those schools.

Absence for treatment of autism spectrum disorder

These new provisions in s.1002.20(2) Student and Parental Rights section of law states that "A parent of a public school student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17 for the treatment of autism spectrum disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4)." This also amends the School Attendance and Parental Responsibility for Attendance section of law.

Allowed Use of Sunscreen on School Property

Another section of 1002.20 was amended to allow students to possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

State Assessments

Currently, Florida's statewide assessment program is used to measure the extent to which students have mastered Florida's Next Generation Sunshine State Standards

(NGSSS). It includes statewide, standardized grade level assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; the Statewide Science Assessment (grades 5 and 8); and alternate assessments for students with significant cognitive disabilities. The grade-level English language arts (ELA) and mathematics assessments, along with Algebra I, Geometry, and Algebra II EOC assessments, are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30% of a student's final course grade.

The bill reduces state assessment requirements by eliminating the Algebra II EOC assessment. As a result, students seeking a Scholar Designation on their high school diploma will no longer be required to pass the assessment beginning with the 2017-2018 school year.

Changes in Course Requirements

- **High School:**
The requirement that a student participating in an interscholastic sport must pass a competency test on personal fitness to satisfy the physical education credit requirement for high school graduation was removed.
- **Postsecondary:**
Beginning with students initially entering a Florida College System institution or state university in the 2018-2019 school year and thereafter, each student must demonstrate competency in civic literacy. Students must have the option to demonstrate competency through successful completion of a postsecondary civic literacy course or by achieving a passing score on an assessment.

The course shall include an understanding of the basic principles of American democracy and their application in our republican form of government, an understanding of the United States Constitution, knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-governance, and an understanding of landmark Supreme Court cases and their impact on law and society.

American Founders' Month

The month of September of each year is designated as "American Founders' Month".

The Governor may annually issue a proclamation designating the month of September as "American Founders' Month" and urging all civic, fraternal, and religious organizations and public and private educational institutions to recognize and observe this occasion through appropriate programs, meetings, services, or celebrations in which state, county, and local governmental officials are invited to participate.

Religious Expression in Public Schools:

The "Florida Student and School Personnel Religious Liberties Act" prohibits a school district from discriminating against students, parents, or school personnel on the basis of religious viewpoints or expression. It prohibits a penalty or reward for a student's religious expression in coursework, artwork, or other specified assignments. It requires a school district to comply with the federal requirements in Title VII of the Civil Rights Act of 1964.

SB 436 is worth a complete reading:

<http://www.flsenate.gov/Session/Bill/2017/436/BillText/er/PDF>

Virtual Education

The bill removes the prior public school attendance requirement. It provides that all K-12 students, including home education and private school students, are eligible for full-time and part-time virtual instruction programs including:

- full-time or part-time enrollment in a school district VIP;
- full-time enrollment in a virtual charter school;
- enrollment in individual virtual courses offered by school districts and approved by the DOE; and,
- full-time or part-time enrollment in the FLVS or school district FLVS franchises.

Private School Student Participation in Extracurricular Activities

HB 1109 expanded the choices that students enrolled in non-FHSAA member private schools with an enrollment of 125 students or less have to participate in extracurricular activities. These students are now eligible to participate at a public school in which the student would be assigned according to district school board attendance area policies and procedures or which the student could choose to attend pursuant to the district controlled open enrollment program. Students in these small private schools can now choose any public or charter school in the state as long as the student provides his or her own transportation and the public school or charter school has not reached capacity in the district.

The FHSAA is developing policies to implement this new statute.