



LEGISLATIVE UPDATE 2016

A. Convenience Fee (HB 145) (Became Law 3/10/16)

A convenience fee imposed upon a student or family paying tuition, fees, or other student account charges by credit card to a William L. Boyd, IV, Florida resident access grant eligible institution, as defined in s. 1009.89, or to a private school, as defined in s. 1002.01, is not considered to be a surcharge and is exempt from this section if the amount of the convenience fee does not exceed the total cost charged by the credit card company to the institution. The term "credit card" includes those cards for which unpaid balances are payable on demand. This section does not apply to the offering of a discount for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card, if the discount is offered to all prospective customers. Effective Date: 7/1/16

B. The Gardiner Scholarship Program (SB672) (Became Law 1/21/16)

- Expands the disabilities included in the Personal Learning Scholarship Account (PLSA) Program to include high-risk 3 and 4 year olds and those with muscular dystrophy
- Expands the definition of autism to autism spectrum disorder as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association
- Increases the funding for this program from \$53.4 million in 2015-16 to \$73.3 million in 2016-17 to accommodate the potential increase in students participating in the program
- Creates The Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities

C. Education Programs for Individuals with Disabilities (HB 837) Became Law 3-25-16

1. The new law expands the John M. McKay Scholarship Program.

- It allows private schools to establish a transition-to-work program consisting of academic instruction, work skills training, and a volunteer or paid work experience for John M. McKay Scholarship Program students.
- It allows private school to receive funding for McKay Scholarship students who participate in the Transition-to-Work Program until the student reaches 22 years of age if the student has not received a high school diploma or a certificate of completion.

2. The new law also makes some changes to the dual enrollment law.



- Dual enrollment for students with unique abilities is addressed in the new law. It requires state colleges to include, in the articulation agreement, services and resources available to students with disabilities and requires the college to report those services and resources to the Florida Center for Students with Unique Abilities.
- State colleges are now required to establish an articulation agreement with each eligible private school in its geographical service area and to submit that articulation agreement to the Department of Education by August 1 of each year. Previously, state colleges were either refusing to establish an articulation agreement with a private school or the college was sending the private school an invoice at the end of each semester for the student's tuition.

This new law does not fix the problem for private schools, but it does require that each articulation agreement states upfront whether the private school will pay the standard tuition for courses taken by private school students or not. It will document what is happening statewide in dual enrollment for private school.

D. Education (HB 7029)

(Signed into law on 4/14/16.)

VPK

- Funding for VPK remains the same as last year.
- Changes the eligibility for VPK to include 4 and 5-yr olds. The child would remain eligible until he/she enters kindergarten or reaches the age of 6 by February 1 of any school year.

High School Athletics

- Allows students in private schools with less than 125 students to participate at their zoned public high school, public middle school or a 6-12 public school if the private school is not a member of the FHSAA, regardless of whether the private school has an interscholastic or intrascholastic athletic program or not.
- The law requires that the FHSAA allow a transfer student to be immediately eligible to participate in athletics and be allowed to join an existing team if the roster has not reached the maximum size for the sport and if the coach determines that the student has the requisite skill and ability to participate. The FHSAA, the school district or the charter school may not declare such a student ineligible because the student did not have the opportunity to comply with the qualifying requirements.



- A transfer student may not participate in a sport if the student participated in the same sport at another school during that school year, unless the student is:
 1. Dependent child of an active duty military personnel whose move resulted from military orders.
 2. Foster children who were relocated by placement in a different school zone.
 3. Children who were moved by court-order.
- A district school board, charter school boards and private school boards must establish, through its code of student conduct, student eligibility standards and related student discipline and safety regarding student participation in interscholastic and intrascholastic extracurricular activities.
- Recruiting violations by a school district employee or contractor shall result in escalating punishments as follows:
 1. First offense--\$5,000 forfeiture of pay.
 2. Second offense--\$5,000 forfeiture of pay and suspension without pay for 12 from coaching, directing or advertising an extracurricular activity.
 3. Third offense -- \$5,000 fine and, if the violator holds an educator certificate, the violation shall be reported to the Dept. of Ed and the violator shall be subject to s.1012.796 FS with possible revocation of his/her certification.
- A recruited student who participated in an activity shall cause the school, team or activity to forfeit all competitions or honors in which the student participated.
- Requires the FHSAA to allow a private school the option of maintaining full membership in the association or joining by sport and may not discourage a private school from simultaneously maintaining membership in another athletic association.
- The FHSAA may allow a public school the option to apply for consideration to join another athletic association.

E. Child Care Block Grant Bill (HB 7053)

(Signed into law on 4/14/16.)

- Adds Office of Early Learning to the list of agencies eligible to use information from the central abuse hotline for employment screening of licensed child care facilities and providers of school readiness programs.
- All employees, future candidates for employment and all volunteers will now be required to undergo a state and federal background screening.
- Removes exemptions for current employees or prospective employees in a school readiness program who have a criminal history for specific crimes relating to violence and crimes against minors.
- Allows information in the central hotline to be used for employment screening.
- Repeals s.302.3057 eliminating the exemption for those fingerprinted under chapters 393, 394, 402, 409 and for those who were fingerprinted pursuant to



chapter 1012 who had not been unemployed for more than 90 days.to submit fingerprints for a state and federal background screening.

- Prior to employment each employer must attempt to contact every employer within the preceding 5 years and document the findings.
- Requires inspections for health and safety standards. Requires that monitoring and inspection reports, along with the number of deaths, serious injuries and substantiated child abuse incidents in the facility and other information be made available electronically to the public.
- Amends the licensing inspection section (s.402.311 F.S.) to include school readiness providers and requires that unlicensed providers allow the state or local licensing agency access to facilities, personnel, and records, in order to inspect and ensure compliance with s. 1002.88.
- Requires the Office of Early Learning to coordinate with DCF and local agencies to conduct inspections of school readiness providers and terminate participation for any provider that refuses permission for entry to inspect.
- Eligibility for a school readiness program now includes children whose parent(s) is in attendance at a job training or educational program.
- Includes grants to school readiness providers for certain training and technical assistance.
- Allows a child to remain in school readiness program for 3 months after the child no longer qualifies in order to allow the parent to find employment.

Creates a Clearinghouse for Information Relating to persons with unique abilities.

- The Department of Health is required to create a comprehensive information clearinghouse to educate health care providers, inform parents, and increase public awareness regarding brain development, developmental disabilities and delays, and all services, resources, and interventions available to mitigate the effects of impaired development among children.
- The clearinghouse shall provide information to the public regarding the availability of supportive services, such as resource centers, educational programs, other support programs for parents and families, and developmental evaluation and intervention services.