

## MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank  
Joe McGehee, Legislative Intern  
Camilia Wilson, Legislative Intern

Re: Legislative Update – Week of January 27, 2020

### General Information

The House and Senate filed budget proposals and accompanying implementing and conforming bills yesterday. I sent this information out in an earlier email. I am still in the process of analyzing the proposals. However, Jim Hamilton has prepared a spreadsheet that compares the budget numbers. This is attached.

The House and Senate will consider in their respective budgets in full Appropriations Committees next week and on the floor the following week.

Both Houses have proposals to substantially increase the salaries of classroom teachers. Attached is a brief comparison of the proposals.

Below is an update of bill that are moving through the process.

### Senate Bills

**SB 190 by Montford – Medicaid School-based Services.** This bill expands the eligible student population that qualifies for Medicaid eligible school-based health services from school districts and private and charter schools. The bill authorizes schools to certify for reimbursement eligible health services provided to any student enrolled in Medicaid, regardless of whether the student qualifies for Part B or H of the IDEA, the exceptional student education program, or has an individualized education plan. The bill aligns Florida law with federal regulations authorizing federal reimbursement of Medicaid-eligible school-based health services to students enrolled in Medicaid.

*The bill passed the Senate Education Committee favorably.*

**SB 738 by Harrell – Jury Service.** This bill allows students who are 18 to 21 years of age to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private postsecondary educational institution, Florida College System Institution, or career center.

The bill does not affect jury service for those students older than 21 years of age.

*The bill passed the Senate Education Committee favorably.*

**SB 946 by Baxley – Moment of Silence.** This bill amends s. 1003.45, F.S., relating to permitting study of the Bible and religion; permitting brief meditation period, to require a moment of silence

be set aside for students during each school day and state legislative findings for the value of a moment of daily reflection. The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside one to two minutes daily for a moment of silence, during which students may not interfere with other students' participation.

The bill provides that a teacher:

- May not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.
- Must encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

*The bill passed the Senate Education Committee favorably.*

**SB 1568 by Hutson – Education.** This bill modifies Florida's career and technical education program to improve and expand apprenticeship and preapprenticeship programs, provide supports for students in work-based learning programs, specify career education requirements for middle school promotion and high school graduation, modify funding incentives for industry certifications, and provide relevant mathematics pathways. Specifically, the bill:

- Broadens the scope of apprenticeship and preapprenticeship programs (programs) to additional apprenticeship program sponsors (sponsors) and occupations, and:
  - Specifies that programs lead toward occupations, rather than trades.
  - Clarifies that sponsors are responsible for program supervision, subject to uniform minimum standards developed by the Department of Education (DOE).
  - Includes state universities as partners in the provision of apprenticeship instruction.
  - Clarifies the duties of the DOE regarding apprenticeship and preapprenticeship programs.
  - Revises the membership and scope of the State Apprenticeship Advisory Council.
  - Changes the selection criteria and use of funds for the Florida Pathways to Career Opportunities Grant Program.
- Specifies that students in an apprenticeship program or courses with a work-based component are deemed to be employees of the state for workers' compensation purposes for medically necessary care only.
- Modifies provisions related to elementary and secondary career education to:
  - Make optional the middle school course in career and education planning and authorizes the Florida Virtual School to offer the course.
  - Authorize school districts and regional consortia to work with national providers to submit career-themed courses for approval.
  - Modify the requirement for computer science instruction in elementary school and expand the use of computer science teacher incentive funds.
- Changes provisions related to Career and Professional Education (CAPE) industry certifications by:
  - Clarifying Commissioner of Education authority regarding CAPE industry certifications and CAPE Digital Tool Certificates.
  - Modifying the award and use of CAPE industry certification bonus funds relating to credit awarded under statewide articulation agreements.
  - Providing bonus funds for aviation and aerospace industry certifications.

- Requires the Articulation Coordinating Committee to identify mathematics pathways aligned to programs, meta-majors, and careers.

School districts that pay workers' compensation expenses for participants in work-based learning programs would likely see a reduction in workers' compensation costs. The reduction in workers' compensation costs is not known.

The changes to the award of CAPE industry certification bonus funds and bonus funds for completion of Federal Aviation Administration industry certifications may affect the amount a school district annually receives, depending on the industry certifications completed by students in the district.

*The bill passed the Senate Education Committee favorably.*

**SB 1688 by Harrell – Early Learning and Early Grade Success.** This bill modifies the administration of the Voluntary Prekindergarten Education Program (VPK) and the school readiness program and reorganizes the regulatory structure of the Office of Early Learning (OEL) to consolidate authority and oversight within the State Board of Education (SBE).

The bill expands accountability and assessment requirements for VPK providers. Specifically, the bill repeals the pre- and post-assessment and statewide kindergarten screening and readiness rate requirements for VPK providers and replaces them with:

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- A program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on performance.

The bill creates the Council for Early Grade Success within the Department of Education (DOE) to oversee the CSPM and requires the new screenings and assessments to be administered by individuals meeting SBE requirements. The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate. The bill also removes authority for each Early Learning Coalition (ELC) to adopt a payment schedule for providers and requires the Early Learning Programs Estimating Conference to adopt the payment schedules to be used statewide in each county.

The bill adds an exemption from sales, rental, use, consumption, distribution, and storage tax for the purchase of educational curricula by a Gold Seal Quality Care designee, which is in addition to existing exemptions for the purchase of certain other educational supplies.

*The bill passed the Senate Education Committee favorably.*

**SB 1696 by Perry – Student Athletes.** This bill adds requirements to protect students participating in extracurricular activities and athletics. Specifically, the bill requires:

- Each Florida High School Athletic Association (FHSAA) member public school to make its automated external defibrillator (AED) available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session.

- A school employee or volunteer with current training in cardiopulmonary resuscitation and use of an AED, beginning June 1, 2021, to be present at each athletic event, practice, workout, or conditioning session during and outside of the school year.
- All employees or volunteers expected to use an AED to complete the training and be notified annually of the location of each AED on school grounds.
- The FHSAA to make training and resources to monitor heat stress available to each member school.
- Each school's emergency action plan to include a procedure for onsite cooling using cold water immersion.
- Athletic coaches and sponsors of outdoor extracurricular activities to complete annual exertional heat illness training, including administration of cooling zones.
- Students involved in interscholastic athletics to pass a medical evaluation prior to participating in relevant activities outside of the school year.

The bill requires the FHSAA to put measures in place to protect student athletes year round. These measures include:

- Making training and resources available to each member for the effective monitoring of heat stress.
- Establishing guidelines for monitoring heat stress and identify heat stress levels at which a school must make a cooling zone available for each outdoor athletic contest, practice, workout, or conditioning session.
- Requiring member schools to determine heat stress levels based on measuring ambient temperature, humidity, wind speed, sun angle, and cloud cover at the site of the athletic activity and modify athletic activities, accordingly, including suspending or moving activities, based on the heat stress guidelines.
- Establishing hydration guidelines, including appropriate introduction of electrolytes after extended activities or when a student participates in multiple athletic activities in a day.
- Establishing requirements for cooling zones, including, at a minimum, the immediate availability of cold-water immersion tubs or equivalent means to rapidly cool internal body temperature when a student exhibits symptoms of exertional heat stroke, and for the presence at athletic activities of an employee or volunteer trained to implement and administer the cooling zones.
- Requiring each school's emergency action plan, as stipulated by the FHSAA, to include a procedure for onsite cooling using cold-water immersion or equivalent means before a student is transported to a hospital for exertional heat stroke.

The bill requires all athletic coaches and sponsors of extracurricular activities involving outdoor practices or events to complete annual training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones.

The bill expands FHSAA bylaws to require all students participating in or who are candidates for interscholastic athletic involvement to satisfactorily pass a medical evaluation yearly prior to participating in conditioning or activities that occur outside of the school year.

These safeguards may protect student athletes and prevent heat-related illness or death.

*The bill passed the Senate Education Committee favorably. The House Companion – HB 7011 passed the full House.*

**SB 434 by Montford – Designation of School Grades.** This bill modifies the high school acceleration component of the school grading model to add to the calculation students who complete career certificate dual enrollment courses resulting in 300 or more clock hours that are identified by the State Board of Education.

*The bill passed the Senate Education Appropriations Subcommittee favorably, and previously passed the Senate Education Committee favorably.*

**SB 486 by Bradley – Florida Best and Brightest Programs.** This bill repeals the Florida Best and Brightest Teacher Program, the Florida Best and Brightest Principal Program, and the Florida Best and Brightest Teacher and Principal Allocation.

*The bill passed the Senate Education Appropriations Subcommittee favorably, and previously passed the Senate Education Committee favorably.*

**SB 836 by Simmons – Funds for the Operation of Schools.** This bill provides for school districts to receive additional funding through the FEFP for each student who receives an Advanced Placement (AP) Capstone Diploma and meets the requirements for a standard high school diploma.

The bill requires that a value of 0.3 FTE student membership be calculated for each student who receives an AP Capstone Diploma. Such value must be added to the total FTE in basic programs for grades 9 through 12 in the subsequent fiscal year. In effect, the bill provides the same additional FTE funding for each student who receives an AP Capstone Diploma as a student who receives an IB or AICE diploma.

*The bill passed the Senate Education Appropriations Subcommittee favorably, and previously passed the Senate Education Committee favorably.*

**SB 120 by Pizzo – Naloxone in Schools.** This bill authorizes a school to purchase a supply of the opioid antagonist naloxone from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer for naloxone at fair-market, free, or reduced prices. A participating school district must adopt a protocol developed by a licensed physician for the administration of the drug by school personnel who are trained to recognize an opioid overdose and to administer naloxone. The school must maintain the naloxone in a secure location on the premises of a participating school.

The bill exempts a school district, its employees and agents, and the physician who provides the standing protocol, from liability for any injury arising from the use of naloxone so long as the naloxone is administered by trained school personnel who follow the standing protocol and whose professional opinion is that the student is having an opioid overdose.

*The bill passed the Senate Health Policy Committee favorably, and previously passed the Senate Education Committee favorably.*

**SB 62 by Stargel re K-12 Education.** The bill was substantially amended in the Senate Education Appropriations Subcommittee.

The bill amends 212.055, F.S., relating to discretionary sales tax. The bill requires districts to share voted discretionary sales tax with charter schools. The language requires the dollars to be expended by charter schools in a manner consistent with s. 1013.62(4), Florida Statutes. This includes purchase of real property, lease arrangements, maintenance/repair, insurance, etc.

The bill retains the dual enrollment language for home school and private school students that was already in bill and also includes the early college program language.

The bill establishes a Dual Enrollment Scholarship Program. This supports postsecondary institutions in providing dual enrollment. Beginning in 2020, the program reimburses postsecondary institutions for cost of private school or home education students for tuition and instructional materials.

The bill amends s. 1011.62, F.S., relating to the funds for operation of schools. The bill provides for additional FTE membership for students enrolled in an early college program.

The provisions of the Mental Health Assistance Allocation are modified to require that the plan developed by a school district must include input from school and community stakeholders and informed by a needs assessment. In addition to existing requirements, the mental health plan must include mental health policies and procedures that include:

- Universal supports to promote students' psychological well-being and ensure safe and supportive school environments.
- Evidence-based strategies or programs to reduce the likelihood of at-risk students developing behavioral health problems, etc.
- Policies and procedures for responding to a student with suicidal ideation.
- A school crisis response plan that should include the establishment of district-level and school-level crisis response teams, including administration and school-based mental health service providers.

The annual report must reflect program outcomes and expenditures for all charter schools, including charter schools that submitted a separate plan. The report must include the number of students receiving screenings, services, etc. and the number of school-based and community-based mental health providers, the number and ratio of school social workers, school psychologists, certified school counselors employed by the districts and the total number of licensed mental health professionals employed directly by the district.

The bill removes the sunset provision relating to the Funding Compression Allocation. Therefore, the allocation is not repealed July 1, 2020.

The bill creates the **TEACHER SALARY INCREASE ALLOCATION**. – The Teacher Salary Increase Allocation is created to increase teacher salaries and improve this state's relative teacher salary position when compared with teacher salaries in other states.

(a) Subject to annual appropriation, funds may be provided for each school district to increase the minimum base salary for full-time classroom teachers as defined in s. 1012.01(2)(a) or all instructional personnel as defined in s. 1012.01(2)(a)-(d), plus certified prekindergarten teachers, but not including substitute teachers, by no less than the amount designated in the General Appropriations Act. In addition, funds may also be provided in an amount designated in the General Appropriations Act for salary increases for all full-time instructional personnel as determined by the school board and the local bargaining unit.

(b) Funds for this purpose shall be allocated on each district's share of the base FEFP allocation. Funds for the minimum base salary increase may be provided in multiple years in order to achieve a particular salary goal. As used in this subsection, the term "minimum base salary"

means the base annual salary before payroll deductions and excluding additional 1060 supplements.

The bill amends provisions relating to Charter Schools Capital Outlay Funding. The bill caps charter school funding at \$165 million. If legislature does not appropriate \$165 million, then the capital outlay funds for that fiscal year, will come from any appropriated state funds and the revenue resulting from the 1.5 discretionary millage.

The bill was amended to provide that a charter school is not eligible for a funding allocation unless the governing board chair and chief administrative officer of the charter school annually certify under oath that the funds will be used solely for constructing, renovating, leasing, purchasing, financing or improving charter school facilities. Additional accountability provisions are required if the charter school is owned by and leased from, at a fair market value, a person or entity that is not an affiliated part of the charter school. Affiliated party is defined.

Finally, the bill was amended to allow school districts that use funds solely through local impact fees to build a school to use such fees to pay for any overages in the cost per student station.

*This bill passed the Senate Education Appropriations Subcommittee favorably.*

## **House Bills**

### **HB 523 by DiCeglie re Mastery-based Education**

This bill renames the Competency-Based Education Pilot Program as the Mastery-Based Education Program and:

- Allows developmental research schools and any public school district in the state to submit an application to the DOE to participate in the program.
- Authorizes participating lab schools and school districts to approve and use an alternative interpretation of letter grades to measure student success in grades 6 through 12; however, school districts must continue to use a 4-point scale for calculating a student's grade-point average.
- Provides that students who earn high school credit through a mastery-based education program have fair and equitable access to postsecondary education.

*The bill passed the House PreK-12 Appropriations Subcommittee favorably.*

**HB 935 by Webb – Solar Energy Systems in Educational Facilities.** This bill excludes costs associated with a solar energy system from the cost per student station caps on public school construction. Excluded costs would include equipment, installation, design and engineering, permitting, and testing for a solar energy system. School districts will be able to install a solar energy system without exceeding the cost per student station cap due to associated costs such as design and installation. The fiscal impact is indeterminate.

The bill excludes from cost per student station caps costs associated with a solar energy system located on the property of a school facility. Excluded costs would include equipment, installation, design and engineering, permitting, and testing for a solar energy system.

*The bill passed the House PreK-12 Innovation Subcommittee favorably.*

**HB 1013 by Grall – Early Learning and Early Grade Success.** The bill revises the statewide governance of early learning programs by:

- repealing the OEL and its executive director and establishing a Division of Early Learning, thereby placing the responsibility for overseeing the VPK and School Readiness programs, including rulemaking authority, with the State Board of Education (SBE);
- providing a type two transfer of the Gold Seal Quality Care Program from the Department of Children and Families to the DOE;
- requiring the DOE inspector general to assume investigative duties relating to the VPK and School Readiness programs;
- repealing the Florida Early Learning Advisory Council and establishing the Early Grades Success Advisory Committee; and
- subjecting Early Learning Coalitions (ELCs) to the SBE’s oversight enforcement authority.

The bill also revises the composition of ELC membership, reduces the maximum allowable number of ELCs from 31 to 30, and provides the DOE with authority to merge ELCs in certain circumstances.

The bill establishes a timeline for phasing in a new VPK accountability system based on a performance metric that includes student outcomes, learning gains, and observations of child-teacher interactions. The bill requires the commissioner to develop a screening and progress monitoring system that is mandatory for VPK through grade 3 students and must provide the outcomes and learning gains data for the VPK performance metric. The VPK accountability system must assign a grade of “A” through “F” to VPK providers beginning with the 2022-2023 program year.

The bill revises the market rate calculation for School Readiness provider reimbursements and requires the Early Learning Programs Estimating Conference, rather than local ELCs, to establish payment schedules. The bill also:

- allows certain childcare providers on military installations to participate early learning programs;
- exempts curriculum purchased by a Gold Seal childcare provider from sales taxes; and
- allows districts to use the research-based reading allocation to fund intensive interventions for VPK students who are identified with a substantial reading deficiency.

*The bill passed the House PreK-12 Subcommittee favorably.*

**HB 1213 by Fine - Holocaust Education.** This bill requires the DOE to prepare and offer curriculum standards for teaching the history of the Holocaust (1933-1945), a subject required for K-12 public school students under s. 1003.42, F.S. The DOE may contract with the Florida Holocaust Museum and other state or nationally recognized Holocaust educational organizations to develop curricula, instructional personnel training, and classroom instructional material for the instruction.

The bill requires each school district, and charter school, to include in this instruction the state policy against anti-Semitism, as described in s. 1000.05(7), F.S. The DOE must create a process for school districts and charter schools to annually certify and provide evidence of compliance with the Holocaust instructional requirements to the DOE.

This bill does not appear to have a fiscal impact

*The bill passed the House PreK-12 Innovation Subcommittee favorably.*

**HB 1231 by Dubose - Students with Disabilities in Public Schools.** For students with disabilities in public schools, the bill addresses the use of seclusion and restraint and requires the use of video cameras in certain classrooms.

#### Use of Seclusion and Restraint on Students with Disabilities

The bill defines terms related to seclusion, physical restraint, and mechanical restraint, and it specifies when such techniques may be used. The bill requires school districts to prohibit school personnel from placing a student in seclusion. The bill provides that restraint may be used only to protect students or school personnel but not for disciplining a student. A student may be restrained only for the time necessary to protect the student and others and only after all positive behavior interventions and supports have been exhausted. The bill prohibits straightjackets, zip ties, handcuffs, tie-downs, and restraint techniques that obstruct or restrict breathing or blood flow or inflict pain to induce compliance.

The bill requires school districts to adopt policies and procedures related to positive behavior interventions and supports and to identify all school personnel authorized to use restraint techniques. The bill also requires school districts to develop a crisis intervention plan if a student is restrained more than once during a semester.

The bill requires the Department of Education to publish de-identified data on reported restraint incidents on the department's public-facing website each month.

#### Video Cameras in Public School Classrooms

The bill requires a school district, at the written request of a parent, to install a video camera and record a classroom in which a majority of the students are provided special education services. The video camera must be capable of monitoring all areas of the classroom and entrances and exits associated with the students' restroom but may not monitor the restroom itself or any other area where a student changes his or her clothes.

The bill provides circumstances under which the video recording may be viewed and limits the people who may view the recording to include school employees involved with an alleged incident of abuse or neglect itself or the investigation of such an incident, the parent of a student who is involved in the alleged incident, law enforcement if the incident is reported and representatives of the Department of Children and Families (DCF) as a part of a child abuse investigation. The bill requires anyone who views the video to report suspected child abuse to DCF.

*The bill passed the House PreK-12 Innovation Subcommittee favorably.*

**HB 393 by Stone – Jury Service.** The bill allows students who are between the ages of 18 to 21 to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private post-secondary educational institution, Florida College System institution, or career center. A student is not prohibited from choosing to report for jury service if they are summoned for jury service while a full-time student.

*The bill passed the House Civil Justice Subcommittee favorably.*

**HB 157 by Sabatini – Limitation on Terms of Office for Members of a District School Board.**

This bill proposes an amendment to the Florida Constitution that would prohibit a school board member from appearing on a ballot for reelection if, by the end of his or her current term of office, the member will have served, or would have served if not for resignation, in that office for eight consecutive years. This proposal is similar to the term limits placed on elected state officials.

The proposed limitation would apply only to terms of office beginning on or after November 3, 2020, and is prospective, so that school board members reelected to a consecutive term in 2020 could serve another consecutive eight years before reaching the term limit.

*The bill passed the House Oversight, Transparency & Public Management Subcommittee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.*

**HB 581 by Diamond – Civic Education.** This bill requires the Commissioner of Education to develop minimum criteria for a civic literacy practicum that may be incorporated into a school's curriculum for the high school United States Government course beginning with the 2021-2022 school year. The civic literacy practicum must be nonpartisan, focus on addressing at least one community issue, and promote civil discourse.

The bill establishes minimum requirements for a student to complete a civic literacy practicum, including identifying a civic issue, researching and developing an involvement plan to address the issue, and creating a portfolio evaluating and reflecting on the experience and outcome, or likely outcome, of his or her involvement.

The hours a student spends implementing an involvement plan may be counted toward community service requirements of the Florida Bright Futures Scholarship Program. School districts should integrate practicum activities and hours into requirements for academic awards.

The bill requires the State Board of Education to establish criteria and annually designate public schools that provide students with high-quality civic learning as Freedom Schools.

*The bill passed the PreK-12 Appropriations Subcommittee favorably, and previously passed the PreK-12 Innovation Subcommittee favorably.*

**HB 957 by Shoaf – Designation of School Grades.** This bill specifies that a high school student may be included in the college and career acceleration component of the school grades calculation if he or she earns 300 or more clock hours through career dual enrollment courses identified by the State Board of Education

*The bill passed the PreK-12 Appropriations Subcommittee favorably, and previously passed the PreK-12 Innovation Subcommittee favorably.*

**HB 641 by Plasencia – Funds for the Operation of Schools.** This bill provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an AP Capstone Diploma in addition to a standard high school diploma.

*The bill passed the House Appropriations Committee favorably, and previously passed the House Education Committee and the House PreK-12 Appropriations Subcommittee favorably.*

**HB 953 by McClain – Charter Schools.** The bill provides that the board of trustees of a sponsoring state university or Florida College System (FCS) institution is a local educational

agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role.

The bill requires the Department of Education (DOE), in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework and report results in its annual charter school application report. In addition, the bill revises charter school application reporting requirements and submission dates for both sponsors and the DOE.

The bill establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.

The bill authorizes charter schools to provide career and professional academies.

*The bill passed the House Appropriations Committee favorably, and previously passed the House PreK-12 Innovation Subcommittee favorably.*

**HB 1203 by Mariano – Pathways to Career Opportunities.** The bill requires the Commissioner of Education to submit a report by December 1, 2020, to determine the feasibility of implementing a Pathways in Technology Early College High School (P-TECH) program in Florida,

The bill requires the report to, at a minimum, include implementation timelines, a funding model that provides the program at no-cost to students, identify industry and business partnerships, and if needed, recommendations to modify the district and school accountability requirements.

The bill requires the P-TECH program to meet specified criteria of being a 6-year integrated secondary and postsecondary model, allowing for high school and postsecondary degree attainment with work experience, having an open enrollment policy, providing student supports, and providing for seamless articulation to Florida's postsecondary institutions.

*The bill passed the House Appropriations Committee favorably, and previously passed the House Higher Education & Career Readiness Subcommittee favorably.*

### **HB 7 by Fine – Legal Notices**

CS/HB 7 allows a governmental agency the option to publish legally required advertisements and notices on a publicly accessible website if certain conditions are met.

*This bill passed the House Local, Federal & Veterans Affairs Subcommittee favorably.*

**HB 725 by Robinson – Workforce Education.** This bill authorizes a school district career center to conduct an associate in applied science or an associate in science nursing degree program if the career center offering the associate in science nursing degree program offers it only to graduates of a licensed practical nursing program offered by the same center. This may lead to an increase in the number of RNs in the Florida workforce and to an improved quality of care within the nursing profession.

*This bill passed the House Education Committee favorably.*

**EDC1 by Education Committee – School Choice.** The bill makes several changes in the various scholarship programs as follows:

#### The Gardiner Scholarship Program

The bill authorizes a student with a disability who meets the GSP eligibility requirements, but who turns 3 years of age after September 1, to be determined eligible for a Gardiner scholarship on or after his or her third birthday and awarded a scholarship if funds are available. If funds are not available, the student is placed on the waitlist for the subsequent program year. The bill prohibits eligibility to participate in the GSP if the child is receiving any another educational scholarship, not just an FTC scholarship or John M. McKay scholarship.

This bill requires a Gardiner scholarship account to be closed after 2 fiscal years, rather than 3 fiscal years, in which the account has been inactive. The bill requires the parent to annually renew participation in the GSP in order for their student to be eligible to receive funding. The bill authorizes a student whose participation in the GSP is not renewed to continue spending scholarship funds that are in his or her account from prior years unless the account must be closed. The bill requires a student's Gardiner scholarship account to be closed if a parent does not procure the necessary educational services for the student and the account has been inactive for 2 fiscal years.

### The Family Empowerment Scholarship Program

For eligibility to participate in the FES, the bill requires priority be given to:

- eligible students who received a FES during the previous school year;
- new applicants whose household income levels do not exceed 185 percent of the federal poverty level;
- new applicants who are in foster care or out-of-home care; and
- new applicants who are a dependent child of a member of the U.S. Armed Forces.

The bill requires the maximum household income level be increased by 25 percentage points in the fiscal year following any fiscal year in which more than 5 percent of the number of available scholarships have not been awarded. The bill revises the requirement that each school district inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply to an eligible nonprofit SFO, rather than DOE, for a scholarship by February 1 of each year.

The bill expands eligibility by eliminating the requirement to spend the prior year enrolled in a public school for students in first or second grade. Also, students who received an FTC scholarship during the previous school year and, before initial receipt of the scholarship, spent the prior year attending a Florida public school are eligible to apply.

The bill also aligns the FES with the FTC Program requirements by:

- allowing a student to participate in no more than two virtual school, correspondence school, or distance learning program courses per school year;
- requiring DOE to maintain a list of nationally norm-referenced tests, which must meet industry standards of quality, identified for purposes of satisfying the testing requirement; and requiring a private school participating in the FES to report the scores of all participating students to a state university by August 15 of each year.

The bill requires the maximum number of students participating in the FES to annually increase by 1.0 percent, rather than 0.25 percent, of the state's total public school student enrollment.

### The Florida Tax Credit Scholarship Program

For the purposes of continuity of educational choice, the bill provides that a student who receives an FTC scholarship remains eligible to participate until the student enrolls in a public school, graduates from high school or reaches 21 years of age. The bill aligns the FTC Program with the FES and the John M. McKay Scholarship Program by clarifying that a student who returns from a Department of Juvenile Justice detention center and has not spent more than 21 days there is not considered to have returned to public school.

#### The Hope Scholarship Program

As part of the annual review of the HSP by an independent entity, the bill requires reviewing the school bullying prevention education program, climate, and code of student conduct of each public school from which ten or more students transferred to another public or private school using the Hope Scholarship in a single academic year to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement.

*This bill passed the House Education Committee Favorably.*

**EDC2 by Education Committee – School Safety.** This bill clarifies the Commissioner's existing authority to oversee compliance with the requirements relating to school safety and security by school districts, district school superintendents, and public schools, including charter schools.

The bill provides that upon notification by the OSS that a district school board has failed to comply with the requirements relating to school safety and security, the Commissioner must require the district school board to withhold further payment of the salary of the superintendent. The Commissioner must also facilitate school safety and security compliance by charter schools, by recommending to the district school board actions for nonrenewal or termination of the charter.

The bill provides for the termination of a charter if the sponsor sets forth in writing the particular facts and circumstances demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The charter school sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE of the facts and circumstances supporting the emergency termination.

The bill requires the OSS to provide ongoing professional development opportunities to both school district and charter school personnel. The bill also requires the OSS to develop, in coordination with the Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, and first-responder agencies, a model family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions, which are closed or unexpectedly evacuated due to natural or man-made disasters.

The bill requires each district school board and charter school governing board to adopt, in coordination with local law enforcement agencies, a family reunification plan to reunite students and employees with their families in the event of a mass casualty or other emergency event situation. The bill authorizes district school board policies to provide accommodations for drills conducted by Exceptional Student Education (ESE) centers. For threat assessment teams, the bill requires that all members of the threat assessment team be involved in the threat assessment process and final decision. The description of the FSSP tool is revised in the bill to reflect its current capabilities as a unified search tool.

The proposed bill was amended to require that students subject to expulsion pursuant to s. 1006.13(3), F.S., to assign a student in a civil citation or prearrest diversion program authorized by s. 985.12, F.S., to a disciplinary program for the purpose of continuing educational services.

*This bill passed the House Education Committee favorably.*

**HB 81 by Andrade – Medicaid School-based Services.** The bill removes the requirement that Medicaid recipients receiving services through the Florida Medicaid Certified School Match Program qualify for Part B or H of the IDEA, or for exceptional student services, or have an IEP or IFSP. The change to Florida law reflects federal regulations allowing the provision of Medicaid school health services to the general population of Medicaid-eligible students.

The bill was amended to remove the requirement that for reimbursements to private schools and charter school, that such health care providers be enrolled as Medicaid providers.

*This bill passed the House Health Care Appropriations Subcommittee favorably.*

### **HB 575 by Plasencia – Applied Behavior Analysis Services**

This bill would exempt group practices that provide ABA services from licensure under the Health Care Clinic Act. The bill also amends S. 1003.572, F.S., to add paraprofessionals who practice under the supervision of either certified behavioral analysts or professionals licensed under ch. 490 or ch. 491, F.S., to the list of private instructional personnel who may provide ABA services in the classroom setting. T

his change would allow RBTs and other behavioral assistants to provide ABA services to students in a public K-12 school.

*This bill passed the House Health & Human Services Committee favorably as a committee substitute.*

### **House Floor Action**

**HB 7011 by PreK-12 Innovation Subcommittee – K-12 Student Athletes.** The bill requires the FHSAA to adopt rules to better protect athletes during hot weaver and to avoid preventable injury or death.

*The bill passed the full House.*

I hope this information is helpful. If you have any questions, please give me a call.