

February 28, 2020

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Joe McGehee, Legislative Intern
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RE: Legislative Update – 7th Week

General Information

Committee meetings have just about finished as we are entering the last two weeks of session. Many bills are making their way to the floor.

Major Bills for Monday and Tuesday include:

Senate Rules – March 2

SB 946 by Baxley – Moments of Silence in Public Schools.

SB 1216 by Gruters – School Board Member Term Limits.

SB 1634 by Stargel – Parental Rights.

Senate Appropriations – March 3

SB 62 by Stargel – K-12 Education.

SB 156 by Perry – Early Childhood Music Education Incentive Pilot Program.

SB 190 by Montford – Medicaid School-based Services.

SB 1066 by Gruters – Impact Fees.

SB 1220 by Diaz – Education.

The House has not published committee notices as of yet.

Senate – Floor Action

Third Reading

SB 434 by Montford – Designation of School Grades.

SB 486 by Bradley – Florida Best and Brightest Programs.

Special Order

SB 662 by Wright – Education and the Military

House – Floor Action – Special Order

HB 7065 by Education Committee – School Safety.

HB 737 by Daniels – Moments of Silence in Public Schools.

Budget Conference

Budget conference has not been announced though rumors are that conference could begin midweek. However, there are no announcements as of yet. It will be a busy two weeks.

Below are summaries of major committee action.

Committee Action – House

HB 7067 by Education – School Choice. This bill revises the Gardiner Scholarship Program (GSP), the Family Empowerment Scholarship Program (FES), the Florida Tax Credit Program (FTC), and Florida’s statewide, standardized assessments.

The bill:

- requires the Commissioner of Education to discontinue the geometry end-of-course assessment upon approval from the U.S. Secretary of Education for a waiver from federal high school math testing requirements;
- requires each school district beginning in the 2021-2022 school year and subject to an appropriation, to choose either the SAT or ACT for districtwide administration to grade 11 public school students;
- phases out the grade 9 English Language Arts (ELA) assessment after the 2021-2022 school year;
- requires grade 12 students to take a civic literacy assessment and provides that a student who passes the assessment in high school fulfills the postsecondary civic literacy assessment requirement;
- requires the Commissioner of Education to submit a report to the Governor, Legislature, the Board of Governors, and the State Board of Education on the feasibility of creating additional educational pathways for Florida’s students through the P-TECH model, or a similar program;
- authorizes the Department of Education to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials; and
- requires only the statewide, standardized ELA and math assessments in grades 3 through 6 to be delivered in a paper-based format.

The bill passed the House Appropriations Committee favorably.

HB 7097 by Ways & Means Committee – Taxation. The bill:

- Establishes a temporary back-to-school sales tax holiday and a temporary disaster preparedness sales tax holiday.
 - “Back-to-School Holiday”--A three-day sales tax holiday is authorized from August 7, 2020, through August 9, 2020.

- Disaster Preparedness Sales Tax Holiday--The bill provides for a seven-day sales tax holiday from May 29, 2020, through June 4, 2020, for specified items related to disaster preparedness.
- The bill establishes an additional requirement for the resolution that voters must approve in order to levy a school capital outlay surtax. Specifically, such resolution must include a statement that the revenues collected shall be shared with charter schools based on their proportionate share of the total school district enrollment. The bill also requires that charter schools expend the surtax funds in a manner consistent with existing allowable uses for charter school capital outlay funding, as set forth in s. 1013.62(4), F.S. Further, all revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9), F.S. These changes only apply to levies authorized by vote of the electors on or after July 1, 2020.

The bill passed the House Appropriations Committee favorably.

HB 23 by Gottlieb – Panic Alarms in Public Schools. This bill creates “Alyssa’s Law,” which requires each public elementary, middle, and high school campus, including charter schools, to implement a mobile panic button system.

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

HB 1029 by Rodriguez (Ant) – Charter Schools. This bill revises provisions relating to charter school application process, charter school student enrollment, high-performing charter schools, and virtual charter schools. It was substantially amended in committee.

The bill now:

- Removes the application deadline and authorizes the charter to basically open at any time.
- Provides for immediate termination of a charter if the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary to stop the emergency.
- Expands student eligibility.
- Regarding facilities – if requested by a charter school, a local governing authority must provide a written justification for any challenged requirements, restrictions, or site planning processes within 14 days. If a court finds that the local governing authority failed to treat the charter school equitable, the court shall award attorney fees and court costs to the charter school.
- Expands tax exemptions for certain facilities.
- Authorizes a school board to construct educational facilities and ancillary facilities on land owned by the school board and lease such facilities to a charter school.
- Modifies high-performing charter school application process.
- Requires no later than January 1, the DOE to annually provide to each school district a list of underused, vacant, or surplus facilities owned or operated by the district as reported in FISH. A district may provide evidence to DOE within 30 days that the list contains errors or omissions. Annually, by April 1, DOE shall update and publish a final list of all such facilities owned or operated by each district based upon the updated information.
- Authorizes a virtual charter school to provide part-time virtual instruction.
- Authorizes that career and professional academies may be offered by charter schools.

- Modifies administrative fees relating to students in ESS centers.
- Modifies the school grade/school improvement rating for ESE centers to provide that an ESE center that receives two consecutive ratings of “maintaining” or higher may replicate its educational program in the same manner as a high-performing charter school.

This bill passed the House Education Committee favorably.

HB 1083 by Webb – Student Mental Health Procedures. The bill requires a principal to verify that de-escalation strategies have been used with the student and outreach to a mobile response team has been initiated prior to the student’s removal from school and taken to a receiving facility for involuntary examination. The bill provides an exemption from this verification requirement when a principal reasonably believes that any delay in the student’s removal will increase the likelihood of harm to the student or others.

The bill passed the House Education Committee favorably, and previously passed the House Health & Human Services Committee and the House PreK-12 Innovation Subcommittee favorably.

HB 1321 by Aloupis – Early Childhood Music Education Incentive Pilot Program. This bill creates flexibility for school districts seeking to participate in the program by allowing specified elementary schools in the district, rather than all elementary schools, to implement a comprehensive music education program.

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

EDC4 by Education Committee – Education (Professional Development).

This bill requires each district school board to calculate a proportionate share of professional development funds for each classroom teacher. Each classroom teacher must be allowed to use up to 25 percent of his or her proportionate share of funds to select professional development that addresses the academic needs of students or an identified area of professional growth.

The bill focuses teacher professional development on professional growth and student learning by allowing mandatory training on a topic not linked to these outcomes to count toward inservice requirements only once per 5-year professional certificate validity cycle.

The bill provides that students must meet the GPA and General Knowledge Test requirements to complete a teacher preparation program and removes the requirements as admission prerequisites. Accordingly, the bill removes the authority for teacher preparation programs to waive admission requirements.

The bill also requires the Commissioner of Education to submit a report by December 1, 2020, to the Governor, Senate President, Speaker of the House, the Board of Governors, and the State Board of Education, to provide recommendations addressing the feasibility of implementing the Pathways in Technology Early College High School program, or a similar program, in Florida.

The bill was amended to provide that any costs associated with a solar energy system that is located on the property of an educational facility may not be included in the total cost per student station limitations on new construction.

This bill passed the House Education Committee favorably and was filed as HB 7103.

Committee Action – Senate

Senate Education Appropriations Subcommittee

SB 1220 by Diaz – Education. The bill:

- Modifies admissions, core curricula, and instructional requirements for initial teacher preparation (ITP) and educator preparation institute (EPI) programs.
- Modifies educator certification requirements to demonstrate mastery of subject area competence and limits the application of inservice points not related to student learning or professional growth.
- Authorizes the Commissioner of Education to select and remove the Education Practices Commission executive director and establish the duties of the executive director.
- Modifies school district professional development (PD) systems and the creation of new PD opportunities.
- Modifies eligibility requirements for the Family Empowerment Scholarship (FES) and the Florida Tax Credit (FTC) scholarship.
- Modifies the charter school application process and enrollment limitations by:
 - Requiring a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
 - Modifying enrollment limitations to prioritize a developer and charitable foundation that perform specified actions.
- Modifies the growth of the FES to authorize an annual increase of 1.0 percent of the state public school enrollment (rather than 0.25 percent) starting in 2020-2021.
- Provides that a student eligible for an FTC scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's income level.
- Requires school districts to provide for the administration of the SAT or ACT to all students in grade 11, beginning in 2020-2021; with funding as provided in the GAA.
- Establishes a series of school district FTE bonus for completion of general education core courses with a grade of "B" or higher through dual enrollment, and completion of an associate degree through dual enrollment.
- Expands the Professional Education Excellence Resources (PEER) Pilot Program to include Palm Beach County.
- Requires the Commissioner to submit a report by December 1, 2020, meeting specified requirements, to determine the feasibility of implementing a Pathways in Technology Early College High School (P-TECH), or similar program, in Florida.

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

SB 1568 by Hutson – Education. This bill was amended extensively and removed provisions relating to:

- Apprenticeship and preapprenticeship programs, the State Apprenticeship Advisory Council, and the Florida Pathways to Career Opportunities Grant Program.

- The change from a required to an optional course the middle school course in career and education planning and the authorization for the Florida Virtual School to offer the course.
- The authorization for school districts and regional consortia to recommend career themed courses for approval.
- The modifications to the use of computer science teacher incentive funds.
- The requirement for the Articulation Coordinating Committee to identify specified mathematics pathways.

The bill:

- Maintains the provision relating to the requirement that certain individuals in a work based learning experience are deemed to be employees of the state for purposes of workers' compensation, with the following modifications:
 - Establishes a reporting requirement about students participating in specified programs or courses.
 - Specifies responsibilities for the costs of workers' compensation and payments to the Division of Risk Management of the Department of Financial Services.
- Maintains the provisions, related to Career and Professional Education (CAPE) industry certifications but establishes an effective date, which:
 - Clarify Commissioner of Education authority regarding CAPE industry certifications and CAPE Digital Tool Certificates.
 - Modify the award and use of CAPE industry certification bonus funds relating to credit awarded under statewide articulation agreements, effective July 1, 2021.
 - Provide CAPE industry certification, and workforce education and Florida College System bonus funds, for aviation and aerospace industry certifications, effective July 1, 2021.

The bill also adds a requirement that the Commissioner submit a report by December 1, 2020, meeting specified requirements, to determine the feasibility of implementing a Pathways in Technology Early College High School (P-TECH), or similar program, in Florida.

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

SB 1644 by Book – Students with Disabilities in Public Schools. This bill:

- Creates the Video Cameras in Public School Classrooms Pilot Program for a three year period beginning with the 2020-2021 school year.
- Specifies that only the Broward and Volusia County School Districts are required to participate in the pilot program.
- The bill maintains the provisions relating to restraint and seclusion.

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

SB 1688 by Harrell – Early Learning and Early Grade Success. This is an extensive bill and the provisions relating to public schools and VPK are as follows:

- Modifies the requirements for the VPK provider profiles that are provided to parents.

- Provides that the emergent literacy training courses required to be completed by prekindergarten instructors must include developmentally appropriate and experiential learning practices for children.
- Provides that a prekindergarten instructor is not required to complete the student performance standards training course until July 1, 2021, and that completion of the course is recognized as part of the informal early learning career pathway.
- Authorizes private school administrators who hold certificates in educational leadership issued by the DOE to satisfy the requirement for a PreK director credential.
- Modifies the requirement for the DOE to calculate each VPK provider's performance metric for the 2019-2020 program year, and instead requires the DOE to calculate each VPK provider's kindergarten readiness rate for the 2019-2020 program year.
- Clarifies that the preassessment and post assessment in use before the 2020-2021 year must be utilized (instead of the pre- and post-assessment in use before the 2021-2022 program year).
- Subjects a provider who fails to meet the minimum kindergarten readiness rate to probation for failing to meet the minimum kindergarten readiness rate for the 2019- 2020 program year.
- Clarifies that VPK providers are subject to probation for failing to meet the minimum program assessment composite score, as calculated by the DOE, for the 2020-2021 program year.
- Clarifies that program assessment scores required in the bill refer to program assessment composite scores.
- Modifies the requirement that the program assessment composite score to consist of no less than 50 percent of the performance metric.
- Clarifies that program assessment composite scores and performance metrics in the bill are required to be calculated for each VPK provider beginning in the 2021-2022 school year.
- Modifies the requirement of the bill that the DOE contract with an independent expert to conduct the statistical latent profile analysis to be included in the methodology for the performance metric to require the DOE to include a statistical latent profile analysis that has been conducted by an independent expert.
- Modifies the requirement of the bill for the assignment of a letter grading system for VPK providers to require the designations of "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology determined by the State Board of Education which may not include letter grades, and requires the designation to be displayed as associated with delivery of the VPK program in the provider's performance profile.
- Subjects to an appropriation the differential payments required in the bill for VPK providers who achieve a determined minimum program designation.
- Requires VPK providers to meet a minimum program assessment composite score for contracting to deliver VPK.
- Modifies the requirement that the DOE adopt a minimum performance metric or grade to demonstrate satisfactory delivery of the VPK program and specifies that a designation of proficient or better demonstrates satisfactory delivery of the VPK program.
- Modifies the requirement that instructional practices in behavioral support be included in the staff development plan approved by the DOE for VPK providers who fail to meet the minimum or designation to require that the staff development plan instead strengthen instructional practices in instructional support.

- Modifies the requirement that a request for a good cause exemption demonstrate effective teaching practices as recognized by the contracted expert to require the good cause exemption to demonstrate effective teaching practices as recognized by the tool developer.
- Adds early math skills to the training courses for prekindergarten instructors that the DOE must adopt procedures for approval.
- Modifies the requirement of existing law that the DOE determine the minimum threshold of school readiness providers for contracting to deliver the school readiness program to require the DOE to determine the minimum program assessment composite score that school readiness providers must achieve for contracting to deliver the school readiness program.
- Requires the minimum program assessment composite score for school readiness providers to align with the minimum program assessment composite score for VPK providers and requires the calculation of the minimum program assessment composite score to be reviewed by the independent expert who has conducted the statistical latent profile analysis for the methodology for calculation of the performance metric for VPK providers.

Senate Appropriations Committee

SB 70 by Book – Panic Alarms in Public Schools. This bill:

- Requires each public school, beginning with the 2021-2022 school year, to implement an interoperable mobile panic alert system, known as “Alyssa’s Alert”, capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responders.
- Requires the Department of Education, in consultation with the Marjory Stoneman Douglas High School Public Safety Commission and the Florida Department of Law Enforcement, to develop a competitive solicitation for a statewide mobile panic alert system.

The bill passed the Senate Appropriations Subcommittee on Education favorably, and previously passed the Senate Infrastructure and Security Committee favorably.

SB 836 by Simmons – Funds for the Operations of Schools. This bill revises the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma.

This bill passed the Senate Appropriations Committee favorably.

SB 918 by Brandes – Civic Education. This bill requires the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students.

This bill passed the Senate Appropriations Committee favorably.

SB 1628 by Book – Holocaust Education. This bill has been amended extensively and requires that requires, as part of required instruction, the inclusion of the policy against anti-Semitism and the prevention of anti-Semitism. Each district must annually certify and provide evidence to DOE that the requirements are met. The bill also requires DOE to prepare and offer standards and curriculum for the instruction and seek input from the Task Force on Holocaust Education or from any recognized Holocaust educational organization.

This bill passed the Senate Appropriations Committee favorably.

SB 7012 by Children, Families & Elder Affairs – Mental Health. This bill implements several measures related to suicide prevention. Specifically, the bill:

- Broadens the scope and duties of the Statewide Office of Suicide Prevention in the Department of Children and Families (DCF);
- Creates the First Responders Suicide Deterrence Task Force within the Statewide Office of Suicide Prevention to assist in the reduction of suicide rates of first responders;
- Broadens the scope and duties of the Suicide Prevention Coordinating Council and adds five new members to the Council;
- Adds new training and staffing requirements for instructional personnel at public and charter schools;
- Adds new continuing education requirements related to suicide prevention for various health care practitioners;
- Requires certain health insurance plans to comply with federal regulations relating to mental health and substance use disorder coverage to ensure that Floridians that are privately insured have adequate insurance coverage to help prevent suicides;
- Requires Baker Act receiving facilities to provide suicide prevention information resources to minors being released from a facility;
- Provides civil immunity to persons who help or attempt to help others at imminent risk of suicide; and
- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report that looks at other states' suicide prevention programs.

This bill passed the Senate Appropriations Committee favorably.