

February 21, 2020

MEMORANDUM

TO: District School Superintendents
FROM: Joy Frank
Joe McGehee, Legislative Intern
Camilia Wilson, Legislative Intern
RE: Legislative Update – Week of February 21st

Budget Information

HB 5007 by the Appropriations Committee relating to State-Administered Retirement Systems passed the full House and was sent to the Senate. The Senate took it up and passed it also. The bill is now enrolled. It has not been sent to the Governor. Consequently, the employer rates are now established once the bill is approved by the Governor and, for school boards, will be \$232.7 million. Frankly, I thought this issue was a part of the conference process and it just slipped by me. However, we have been informing members of the impact of this increased employer contribution on school district budgets and will continue to do so.

Committee Action - Senate

Senate Education Committee

SB 1498 by Baxley - School Turnaround.

See attached chart

The bill passed the Senate Education Committee favorably.

SB 1634 by Stargel - Parental Rights. This bill establishes the “Parents’ Bill of Rights.” The bill provides that the state, its political subdivisions, any other governmental entity, or other institution may not infringe upon the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of a minor child.

The bill passed the Senate Education Committee favorably, and previously passed the Senate Judiciary Committee favorably.

SB 1650 by Simmons - Medicaid Provider Agreements for Charter and Private Schools.

This bill removes the requirement for health care practitioners who are employed by or contracted with a private or charter school to independently enroll in Florida Medicaid as credentialed providers to deliver Medicaid-covered, school-based services.

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

Senate Appropriations Subcommittee on Education

SB 1100 by Rouson - Florida Seal of Fine Arts Program. This bill establishes the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework.

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

SB 1246 by Stargel - Dual Enrollment. This bill clarifies that secondary students eligible for dual enrollment programs include students who are enrolled in home education programs and prohibits district school boards and Florida College System institutions from denying students who have met eligibility requirements from participating in dual enrollment except under specified circumstances. The bill also provides that certain independent colleges and universities are eligible for inclusion in the dual enrollment and early admission programs and establishes the Dual Enrollment Scholarship Program

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

SB 1628 by Book - Holocaust Education. The bill was substantially amended in committee. The bill requires each district to annually certify and provide evidence to DOE that the requirements of the history of the Holocaust are met. The department may use specified curricula as deemed appropriate by the department. The second week in November shall be designated as Holocaust Education Week, in recognition that November is the anniversary of Kristallnacht, widely recognized as a precipitating event that led to the Holocaust. The Commissioner of Education's Task Force on Holocaust Education shall rank yearly all school districts based on the efficacy of their Holocaust curriculum and instruction. The rankings shall be published yearly by DOE and made available to the public.

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

SB 1750 by Montford - High School Graduation Requirements. This bill replaces the option to complete one credit in practical arts with the option to complete one credit in career and technical education identified in the Course Code Directory. The bill now indicates that career and technical education (CTE) courses eligible to satisfy the specified one-credit graduation requirement are identified in the Course Code Directory.

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

Senate Appropriations Committee

SB 434 by Montford - Designation of School Grades. The 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.

This bill passed the Senate Appropriations Committee favorably.

SB 7040 by Education - Implementation of the Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission.

Section 1. Amends s. 30.15, F.S., relating to the powers, duties and obligations of sheriffs. The bill clarifies that both the Feis guardian program school guardians and Feis guardian program school security guards do not have the authority to act in any law enforcement capacity except to prevent an active assailant incident.

The bill authorizes a sheriff that establishes a Feis guardian program may provide training to school employees directly; through a contract with an entity selected by the local sheriff, provided that the sheriff oversees, supervises, and certifies all aspects of the contract; or through any combination thereof. If a sheriff contracts with one or more county sheriffs to provide program training and certification, the sheriff must notify the local superintendent and charter school administrators of all county-specific protocols incorporated into the contracted Feis guardian training and certification requirements. The bill clarifies the reimbursement for program costs to sheriffs by the Department of Education (DOE). The bill also clarifies that the \$500 stipend is for participants in the Feis guardian program certified school guardian who is an employee of a district or charter school.

A sheriff who establishes a Feis guardian training program shall consult with FDLE on programmatic practices and shall certify, without the power of arrest, Feis guardian program certified school guardians and school security guards under specified conditions.

Each guardian must submit to and pass a psychological evaluation administered by a licensed professional. The sheriff's office must review and approve the results of each applicant's psychological evaluation before acceptance into the program. The sheriff's office must also approve the results of each applicant's drug test.

An individual who is certified as a certified school guardian or certified school security guard may serve as such only if he or she is appointed by the applicable school superintendent or charter school administrator.

Section 2. Effective October 1, 2020, the provisions of s. 943.082, F.S., relating to the School Safety Awareness Program are amended.

The reporting tool must notify the reporting party that, if following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the applicable device will be provided to law enforcement agencies and the reporting party may be subject to criminal penalties. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.

Section 3. Effective upon becoming law - Amends s. 943.687, F.S., relating to the MSD High School Public Safety Commission. The Commission is expanded to include a school superintendent, school principal and classroom teacher beginning on June 1, 2020. The members must be appointed by May 30, 2020, one each by the Governor, Senate President and House Speaker. Thereafter, to the extent possible, future appointments to fill vacancies or replace members must be given consideration to achieving an equal balance of school district, law enforcement, and health care professional representation which reflects the cultural diversity of the state.

Section 4. Amends s. 985.12, F.S., relating to civil citation or similar prearrest diversion programs. Each state attorney must operate a civil citation or similar prearrest diversion program. The bill adds language to require the Department of Juvenile Justice and the state attorney of each judicial circuit, in cooperation with DOE, to monitor and enforce compliance with school-based diversion program requirements. Beginning in the 2021-2021 fiscal year, law enforcement officers must have field access to civil citation and prearrest diversion information.

Section 5. Amends s. 1001.11, F.S., relating to the Commissioner of Education. The bill provides that the Commissioner shall oversee compliance with education-related health, safety, welfare, and security requirements of law by school districts; school superintendents; public schools including charter schools; and other entities or constituencies as may be applicable. The Commissioner shall facilitate public and nonpublic school compliance to the maximum extent provided under the law. The bill provides that certain duties applicable to superintendents and school boards also apply to charter school administrators and boards.

Section 6. Amends s. 1001.212, F.S., relating to the Office of Safe Schools. The office must provide ongoing professional development to district and charter schools. School Safety Specialist Training must include information about federal and state laws regarding education records, medical records, data privacy, and incident reporting requirements, particularly with respect to behavioral threat assessment and emergency planning and response procedures.

The office must coordinate with FDLE to provide a unified search tool, known as the Florida Schools Safety Portal (formerly the centralized integrated data repository and data analytics resources).

The office must oversee and coordinate district and school compliance with school safety incident reporting requirements in accordance with rules adopted by the State Board enacting the school safety incident reporting requirements of s. 1006.07(9). The office must notify the Commissioner of all incidents of material noncompliance for purposes of invoking the Commissioner's responsibilities pursuant to s. 1001.11(9). Upon notification by the Commissioner that a superintendent or charter school administrator has, based on clear and convincing evidence, failed to comply with SESIR requirements, the school board or charter school governing board, as applicable, shall withhold further payment of his or her salary and impose other appropriate sanctions that the Commissioner or State Board may impose, pending demonstration of full compliance.

The office must maintain a current directory of public and private school-based diversion programs and cooperate with each judicial circuit and DJJ in their efforts to monitor and enforce compliance.

The office must develop, in conjunction with other agencies, a model emergency event family reunification plan for use by childcare facilities, public K-12 schools, and public postsecondary institutions that are closed or evacuated due to natural or manmade disasters or emergencies.

Section 7. Amends s. 1002.33, F.S., relating to Charter Schools. The bill requires that charter schools demonstrate and certify in its contract, and if necessary through addendum to its contract, the charter school's compliance with the statutes enumerated in subsection (16)(b). These include all the statutes relating to public records, meetings, safe-schools, emergency drills and emergency procedures, criteria for assigning a student to a civil citation or similar prearrest diversion program, etc.

Section 8. Amends s. 1002.421, F.S., relating to state school choice scholarship program accountability and oversight. The bill requires private schools that participate in educational scholarship program to include in the code of student conduct criteria for assigning a student to a civil citation or similar prearrest diversion program that is an alternative to expulsion or referral to law enforcement agencies. All such programs must comply with s. 985.12, Florida Statutes.

Section 9. Amends s. 1003.5716, F.S., relating to transition to postsecondary education and career opportunities. Beginning in the 2021-2022 school year, a statement of post-high school performance expectations which includes a proposed transition plan that facilitates continuity of care and coordination of any behavioral health services needed to assist the student in reaching those expectations. The statement must also specify parent, student, and agency roles and responsibilities pertaining to the provision and funding of specified transition services, as applicable.

Section 10. Effective upon becoming law - Amends s. 1004.44, F.S., relating to the Louis de la Parte Florida Mental Health Institute. The Institute must convene a workgroup of practitioners to review and provide implementation guidance on the mental health-related findings and recommendations of the MSD Commission. An initial report is due by August 1, 2020 to the Governor and Legislature. The Institute must continue to monitor commissioner activities and may submit subsequent reports and recommendations on an annual basis. This provision expires July 1, 2024.

Section 11. Amends s. 1006.07, F.S., relating to school board duties relating to student discipline and safety. The Code of Student Conduct must provide criteria for assigning a student to a civil citation or similar prearrest diversion program that is an alternative to expulsion or referral to law enforcement agencies. All civil citation or similar prearrest diversion programs must comply with s. 985.12, Florida Statutes.

Law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in coordination with the district's school safety specialist, must be physically present on campus and directly involved in the execution of active assailant emergency drills. District school board policies may provide accommodations for drills conducted by ESE centers.

As a component of emergency procedures, each district school board and charter school governing board must adopt, in coordination with local law enforcement agencies, an emergency event family reunification plan to reunite students and employees with their families in the event of a mass casualty or other emergency event situation.

Threat assessment Teams. The bill requires that the team must include a sworn law enforcement officer who has undergone applicable training. All required members must be involved in the process, from start to finish, including the determination of the final disposition decision.

School Safety Incident Reporting is expanded to incorporate all aspects of school safety incident reporting.

Emergency Event Family Reunification Policies. The bill requires each school board to adopt a school district emergency event family reunification policy by August 1, 2021. The bill specifies

the requirements for such policies and that such policies and plans be coordinated with local law enforcement agencies.

Section 12. Amends s. 1006.09, F.S., relating to duties of a school principal relating to student discipline and school safety. The bill clarifies that each principal is responsible for using the standardized form to report data through SESIR.

Section 13. Amends s. 1006.12, F.S., relating to safe-school officers at each school. The bill now refers to School Resource Officers as “Sworn Law Enforcement School Resource Officers” a school safety officers are “Sworn Law Enforcement School Safety Officers” in order to distinguish law enforcement officers from guardians or security guards. A sworn law enforcement school safety officer has the authority to make arrests on school board property or on property owned or leased by a charter school under the charter contract, as applicable.

Sworn law enforcement school safety officers must complete mental health crisis intervention training.

For clarification school guardians are now referred to as “Feis Guardian Program Certified School Guardian or Feis Guardian Program Certified School Security Guard. The bill clarifies applicant program requirements. A Feis guardian program certified school security guard must complete all the training program requirements of the guardian program and submit to and pass a psychological evaluation, etc.

Additional provisions to the contract between the security agency and school district or charter school governing board include defining conditions, requirements, costs, and responsibilities necessary to satisfy background screening requirements.

A Feis guardian program certified school security guard serving in the capacity of a safe-school officer is considered to be a “noninstructional contractor” subject to the background screening requirements of s. 1012.465, as they apply to each applicable school district or charter school, and these requirements must be satisfied before the Feis guardian program certified school security guard is given access to school grounds.

Section 14. Amends s. 1006.1493, F.S., relating to the Florida Safe Schools Assessment Tool. A component is added to require policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families.

Section 15. Amends s. 1011.62, F.S., relating to funds for operation of schools. The Mental Health Assistance Allocation is amended to require that the plan include input from school and community stakeholders. In addition, the plan must include mental health policies and procedures that support all of the plan elements including methods for responding to a student with suicidal ideation, etc.; a school crisis response plan that includes strategies for the preparation of and recover from a range of school crises. The bill modifies the reporting requirements and dates.

Section 16. Provides an effective date of upon becoming a law, except as otherwise provided.

This bill passed the Senate Appropriations Committee favorably.

Senate Finance and Tax Committee

SB 1066 by Gruters - Impact Fees.

This bill imposes new requirements related to impact fees. The bill also:

- Clarifies that the bill applies to a special district that adopts, collects and administers an impact fee.
- Expands the definition of “infrastructure” to include, for independent special fire control and rescue districts, new facilities as defined in s. 191.009(4), F.S.
- Provides that new impact fees apply to existing applications if the result is to reduce the total mitigation costs or impact fees imposed on an applicant.
- Limits the use of impact fee credits to the same type of public facility for which the impact fee applies located within the geographic boundary of the local government jurisdiction where the impact fee is imposed, as well as a zone or district that receives benefit from the improvement. The bill applies these same restrictions to alternative mobility funding systems as provided for in s. 163.3180(5)(i), F.S.
- Requires, for purposes of impact fee credits, that a benefit be recognized within any zone or district located within five miles of the zone or district where the credit was generated.
- Clarifies that impact fee credits are intended to ensure that impact fees or equivalent contributions are not collected more than once for the same impacts.
- Clarifies that contributions related to the transportation system are creditable against impact fees, mobility fees, or other forms of exactions that are charged to mitigate transportation impacts.
- Further details the composition and duties of the impact fee review committee.

The bill passed the Senate Finance and Tax Committee favorably, and previously passed the Senate Community Affairs Committee favorably.

Senate Military and Veterans Affairs and Space

SB 662 by Wright - School Grading System. This bill gives greater flexibility to transitioning students from military families by considering a student a resident of the school district when the parent is transferred or pending transfer to a military installation within the state rather than within the district, for purposes of enrollment and preferential treatment in the open enrollment process. The bill also revises the calculation of school grading by requiring that in addition to requiring a student to have earned a minimum of a Category II score on the Armed Forces Qualification Test, that the student had participated for 2 years in JROTC.

The bill passed the Senate Military and Veterans Affairs and Space Committee favorably, and previously passed the Senate Education Committee favorably.

Senate Rules Committee

SB 7000 by Children, Families, and Elder Affairs - Reporting Abuse, Abandonment, and Neglect. This bill amends definitions relating to child-on-child sexual abuse and reorganizes

and clarifies provisions and requirements currently in s. 39.201, F.S., relating to reports of child abuse, abandonment, or neglect and the central abuse hotline at the Department of Children and Families.

The bill passed the Senate Rules Committee favorably, and previously passed the Senate Education Committee and the Senate Children, Families, and Elder Affairs Committee favorably.

Committee Action - House Bills

House Education Committee

HB 187 by Zika - Postsecondary Education for Secondary Students. This bill provides reporting requirements for postsecondary institutions and revises provisions relating to dual enrollment programs. It also renames collegiate high school programs as early college acceleration programs.

This bill passed the House Education Committee favorably.

HB 737 by Daniels - Moments of Silence in Public Schools. This bill requires a moment of silence at the beginning of each school day.

This bill passed the House Education Committee 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 within the DOE, 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;
- repealing the Florida Early Learning Advisory Council and the Child Care Executive Partnership 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 coordinated screening and progress monitoring program for VPK through grade 3 students that provides the outcomes and learning gains data for the VPK performance metric. The VPK accountability system must assign VPK providers a performance designation beginning with the 2022-2023 program year.

The bill also:

- allows certain childcare providers on military installations to participate in early learning programs; 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.

This bill passed the House Education Committee favorably.

HB 1207 by Bell - Measurement of Student Performance. This bill requires the Commissioner of Education to annually provide specified results to school districts.

This bill passed the House Education Committee favorably.

HB 7079 by PreK-12 Innovation Subcommittee – Education. The bill is the companion to SB and modifies the turnaround, accountability and school grades provisions.

School Grades - Beginning with the 2022-2023 school year, the school grades calculation will include student performance on the SAT and ACT in the English language arts (ELA) and mathematics components of the school grades calculation.

Statewide, Standardized Assessments - The bill requires each school district to choose either the SAT or ACT for districtwide administration to grade 11 students beginning in the 2020-2021 school year. The bill authorizes the Commissioner of Education to discontinue the statewide, standardized Geometry end-of-course assessment upon approval from DOE to use the SAT or ACT as the state's high school mathematics assessment under federal law. The bill discontinues the grade 9 ELA assessment after the 2021-2022 school year.

School Improvement - The bill revises the school turnaround process by requiring implementation of a district-managed turnaround option after the first year a school earns a grade of "D." The bill authorizes a school district to request a new turnaround option during the implementation of a turnaround option and authorizes the State Board of Education to revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan. Beginning with the 2023-2024 school year, if a school earns a "D" or "F" within 3 years, the district is limited in the options to close/reassign, charter or contract with an external operator. School districts must submit their Turnaround School Supplemental Services Allocation plan to the commissioner for final approval by the DOE.

Other Provisions - The bill requires all grade 12 students to take a civic literacy assessment beginning in the 2020-2021 school year and requires postsecondary students to demonstrate civic literacy by successfully completing a civic literacy course and achieving a passing score on the civic literacy assessment. A student who achieves a passing score on the assessment in high school will not be required to take the assessment at a postsecondary institution.

The bill requires the Florida Partnership for Minority and Underrepresented Student Achievement to provide information on resources and opportunities and identify public and private partnerships to provide college advising services to further increase postsecondary access and success for students.

The bill provides the DOE authority to hold, enforce, and sell patents, copyrights, trademarks, and service marks.

The bill appropriates \$8 million in recurring funds from the General Revenue Fund to the DOE.

This bill passed the House Education Committee favorably.

House Judiciary Committee

HB 1059 by Grall - Parental Rights

This bill provides parental rights relating to a minor child's education, upbringing, and health care. It also provides school districts, health care practitioners with hospital requirements and specified penalties.

This bill passed the House Judiciary Committee favorably.

House State Affairs Committee

HB 637 by DiCeglie - Impact Fees

This bill revises conditions that counties, municipalities, and special districts must satisfy before enacting an impact fee by ordinance or resolution. This bill also makes impact fee credits assignable and transferable under certain conditions.

This bill passed the House State Affairs Committee favorably.

House Floor Action

HB 0157 by Sabatini - Limitation on Terms of Office for Members of a District School Board. This bill proposes amendments to the State Constitution to limit the terms of office for a member of a district school board.

The bill passed the House Floor favorably.

HB 725 by Robinson - Workforce Education. This bill revises workforce education programs that school district career centers are authorized to conduct.

The bill passed the House Floor favorably.

HB 523 by DiCeglie - Mastery-based Education. This bill provides for alternative award of credits & letter grades under certain circumstances.

This bill passed the House Floor favorably.

HB 37 by Zika - School Bus Safety. This bill revises civil penalties for certain violations relating to stopping for school bus.

The bill passed the House Floor favorably.

HB 81 by Andrade - Medicaid School-based Services. This bill revises provisions relating to reimbursement of school-based services by AHCA to certain school districts, private and charter schools.

This bill passed the House Health & Human Services Committee favorably.