



To: Florida District School Superintendents
From: Brian T. Moore, FADSS General Counsel
Subject: FADSS Legislative Update – Week of January 11, 2021
Date: Friday, January 15, 2021

The 2021 legislative session kicked off its first week of committee meetings this week beginning with the Senate Education Committee on January 12, 2021. The meeting consisted of presentations from the Florida Department of Education (DOE) and the two K-12 scholarship organizations about parental choice and the various scholarship options (McKay, Gardiner, Florida Tax Credit, Family Empowerment Scholarships, etc.). There was also a presentation about Bright Futures and other post-graduate scholarships. Eric Hall, DOE Senior Chancellor, talked about the DOE’s goal of not allowing COVID-19 to cause districts to lose any of the progress that has been made in recent years closing the achievement gap and increasing graduation rates, which is why they are focusing so much on interventions and monitoring. A question was raised about end-of-the-year assessments this spring and how they might be used, however the committee chair responded it would likely be a topic of discussion at a future committee meeting.

January 13, 2021

The State Board of Education (SBE) meeting was held at Daytona State College and Lake County Schools Superintendent Diane Kornegay attended the meeting on behalf of FADSS to address the SBE regarding a variety of topics and challenges that districts are facing. Kornegay shared information about food service issues caused by COVID-19, talked about CARES Act expenditures and clarified spending misconceptions, and did a great job discussing progress monitoring and efforts to close learning gaps in her district. She also asked for the SBE’s help prioritizing school employees with direct student contact in the vaccination efforts to provide greater stability in the classrooms which in turn will give parents stronger peace of mind in sending their kids back to brick and mortar schools. The SBE and DOE Commissioner Corcoran did discuss the vaccination prioritization effort, and the Commissioner said he believes that teachers would be on the priority list after Florida gets the vaccines to its most vulnerable population first (he pointed out that there are 4.5 million Floridians over 65).

The SBE also received updates on Civics, teacher salaries, and progress monitoring. The Commissioner once again thanked superintendents for their collaborative work with DOE in helping develop and implement the emergency order for the 2nd semester. While everyone recognizes the COVID gap and the struggles schools are facing, he pronounced, “During this pandemic, Florida will gain ground,” not lose it.

Later on the 13th, FADSS President Dr. Mike Grego, and four other superintendents -- Kurt Browning (Pasco), Tim Forson (St. Johns), Ted Roush (Suwanee), and Joe Taylor (Washington) spoke before the Senate Education Appropriations Subcommittee regarding CARES Act funding and the status of district expenditures of those funds. Prior to the superintendents’ comments, the committee received an update from the university system, followed by a lengthy DOE presentation on the full panoply of CARES Act funding beyond just ESSER. The superintendents did a wonderful job of explaining the issues they have faced in their districts and general concerns under ESSER. Student learning, such as progress monitoring efforts and the long-term need to address math and language losses were some of the issues they focused on. They also discussed the mental health concerns for both students and staff, which has increased exponentially during the COVID-19 crisis.

For anyone concerned that the CARES Act funds were not being spent quickly enough, the superintendents reminded the committee that it is a reimbursement model, and that a majority of the funds have either been spent or encumbered despite the fact that the funds are supposed to cover a two-year period. Much of the emphasis throughout the meeting was on identifying students who might be struggling more than most during the pandemic, which led to some questions about whether districts are still having difficulty finding some students who did not choose any educational option this year. This allowed the superintendents to further emphasize that efforts to undo the effects of the pandemic on student learning are likely to take several years. Ultimately, the senators seemed to appreciate the detailed explanations provided by the superintendents, and there weren’t any questions or concerns raised about specific COVID-related expenditures.

While the superintendents were in the Senate, the Secondary Education and Career Development Subcommittee was meeting in the House. The topic of discussion for the committee was identifying credentials that are needed for high-demand, high-wage jobs, which included an overview of recent efforts made in this area in Tennessee.

In addition, the House Subcommittee on Civil Justice and Property Rights considered HB 7, which would provide some tort liability protections for businesses and government entities, including school districts, related to potential COVID-19 claims. A good faith effort to comply with COVID-19 guidance would render districts immune from civil liability for COVID-19 civil actions. The bill passed the subcommittee with a vote of 11-6 along party lines and will now head to the Pandemics and Public Emergencies Committee. The Senate version of this bill (SB 72) has not started moving yet. This bill will be discussed in greater detail in future updates.

On the budget front, both the House and Senate Appropriations Committees received financial updates based on the latest forecasts. While the news was not as dire as feared last summer, the State will be facing some budgetary holes this session of an estimated \$2.75 billion, which could affect K-12 funding. If the Legislature were to prorate that \$2.75 billion across the entire budget, preK-12 education would see a \$1 billion cut. It is too early to predict anything right now, but the Chair of the House Appropriations Committee did say that it would be mathematically impossible to cut \$2.75 billion from the budget without including education in some fashion. This is why presentations like those made by the superintendents to both the SBE and the Legislature this week about all of the increased costs and strains on resources caused by COVID-19 will be important when the tough decisions need to be made.

January 14, 2021

The House Early Learning and Elementary Education Subcommittee meeting centered on two presentations about the science and research regarding reading and the effect of literacy in the home on reading achievement. The importance of access to books in the home and supporting parental engagement were both emphasized. The presenters shared data on the effects on graduation rates for students who are not proficient in reading by third grade, and it was noted that the lack of a high school diploma excludes a person from about 90% of the jobs in our economy. One of the presenters noted that we simply do not know the full impact the pandemic has had on students, noting some of the difficulties exacerbated by the pandemic (e.g., digital divide, lack or inability of parental support in the home, and some students who are simply missing altogether). As a result, she said, “We have to administer assessments” this year to learn what we need to learn about where are students are after all of this. The Chairman of the committee, Representative Aloupis, concluded the meeting by saying that Florida needs to make sure that its teachers have the training and resources necessary to teach effectively based on the needs of our students, and we need to do more to help parents bring literacy into the home. He noted that the line that can be drawn from kindergarten readiness rates to third grade FSA results and then to high school graduation rates is clear and obvious, and more needs to be done.

The Takeaways

1. It is expected that there will be a lot of emphasis placed on these early literacy issues during the upcoming session, as the Legislature is looking at the entirety of a child’s life and the impact it can have on literacy and achievement, not just the six hours per day that a child spends at school after they turn five. Toward that end, if anyone has implemented special efforts in their district to work with preschool programs on kindergarten readiness efforts or to increase parental engagement in literacy efforts, please contact me.

2. Budget issues remain cloudy, and difficult decisions will need to be made. Right now, there are still a lot of misperceptions about various funding issues for districts, from how much of the CARES Act has been spent to the extent of continued, increased operational costs as a result of the pandemic (food service, cleaning supplies, leave and substitutes, digital devices and connectivity, etc.). It is important that you continue to share these issues with your board, the community, and your legislators so that critical budgeting decisions are made based on correct information as opposed to false ideas, like districts are not spending their ESSER funds and do not need the additional funding or ESSER funds should be used to fund recurring salary increases.

The next round of interim committee meetings will begin the week of January 25, 2021. It is expected that some education bills may be heard at that time, and I will try to update you on those and other bills of interest next week once the agendas are set. In the meantime, I have attached a simple spreadsheet of bills that have been filed as of January 14, 2021. If you have questions about any of them, please feel free to contact me.