



To: Florida District School Superintendents
From: Brian T. Moore, FADSS General Counsel
Subject: FADSS Legislative Update – Week of February 8, 2021
Date: Friday, February 12, 2021

The Legislature’s fourth week of pre-session committee meetings was a relatively quiet affair, but that may change next week during the final round of interim committee meetings. Even with the reduced calendar, there were still some important developments this week.

FY 2021-2022 Budget

The 2021-2022 budget remains a hot topic. This week, the *House PreK-12 Appropriations Subcommittee* devoted most of its meeting to federal relief spending and its potential impact on next year’s budget. After receiving a presentation from the Governor’s office about the Governor’s proposed K-12 budget, the committee turned its attention to the Department of Education and how it has managed CARES funds thus far. During this discussion, a question was asked of Alex Kelly, DOE Chief of Staff, about the possibility of innovative learning options being available in the fall. After Mr. Kelly talked about the emergency orders and how they allowed full funding for innovative programs (and that the two options were brick and mortar or regular virtual without such orders), Chairman Fine responded that there would be no need for any future emergency orders because the Legislature is now in session and should be the entity that makes the final decision. It was appropriate to address the issues through emergency orders for 20-21 given the circumstances and timing, but it would not be appropriate for next year.

After Mr. Kelly completed his presentation for the DOE, Chairman Fine gave his own presentation about CARES funding, with a focus on both ESSER I and ESSER II funds. To paraphrase Chair Fine’s comments, school districts have received a windfall of federal funding. He illustrated this point by presenting a DOE chart that shows only 40% of the ESSER I funds have been distributed to the districts as of February 5, 2021, leading Chair Fine to question whether school districts need four times as much in ESSER II funding if they cannot spend the original allocation. Mr. Kelly explained that in some districts, the only funds remaining are those set aside for private and charter schools, and he also pointed out that the vast majority of the funds have been obligated to some COVID-19-related purpose, even if they have not yet been spent. Finally, there was more discussion of the 87,000-student drop from what was

originally projected for the 20-21 school year. Fine referred to these as “phantom” students for whom the districts are receiving “phantom” funding.

Five Superintendents will be testifying before this subcommittee on Thursday, February 18, and the focus will be on these two topics: 1) ESSER funding and the spending variations between districts, and 2) the “missing” students and what is being done to locate them. There will be a complete rundown of that subcommittee meeting next week.

Proposed Legislation

The following substantive bills were heard in committee this week:

- **[CS/SB 52 \(Rodrigues\)](#)**, Reported favorably by *Senate Appropriations Subcommittee on Education* - The bill includes provisions that would provide dual enrollment scholarships for private and home school students, as well as public school students enrolled in summer courses. Questions were raised about using tax dollars to pay for private school students to take dual enrollment courses while the private school still collects its own tuition, but Senator Rodrigues argued that a majority of the funds will go towards providing public school students with summer school dual enrollment options. There is also concern about the possibility that students will be able to collect a Family Empowerment Scholarship but not have to use the funds to pay for dual enrollment the way a school district does, which would amount to double funding.
 - The bill will now move to the *Senate Appropriations Committee*, which will be its third and final committee stop.
 - As of February 10, 2021, there is no House companion bill yet.
- **[SB 78 \(Rodrigues\)](#)**, Reported favorably by *Senate Judiciary Committee* – This bill was temporarily postponed last week after the committee ran out of time. It requires union members to sign up for dues deductions after every new contract negotiation. It also requires the employer to verify this request with the employee. The bill is opposed by the FEA, AFL-CIO, as well as police and fire fighter unions. One of the issues that continues to arise during debate is the potential increase in staff time and paperwork if the district’s payroll department must verify, whether by email or some other process, hundreds or thousands of dues deduction requests every year.
 - The bill is on the agenda for its third and final committee stop with the *Senate Rules Committee* on February 18, 2021.
 - An identical, companion bill was filed in the House, **[HB 947 \(Plakon\)](#)**, late on February 10, 2021.

The Week Ahead

As mentioned above, there is expected to be a lot more activity next week as the Legislature wraps up its Interim Committee Meetings schedule. The *Senate Education Committee* will consider the following bills:

- [SB 280 \(Baxley\)](#), which would require first aid and CPR training in public schools for grades 9-11.
- [SB 538 \(Polsky\)](#), which would require, rather than authorize, public schools to purchase or acquire a supply of epinephrine auto-injectors for specified purposes.
- [SB 760 \(Burgess\)](#), which would allow public schools, including charter schools, virtual schools, and home education cooperatives, the option of maintaining full membership in the FHSAA or joining by sport.

The *Senate Appropriations Subcommittee on Education* will take up [CS/SB 48 \(Diaz\)](#), which consolidates the states' K-12 voucher/scholarship programs, converts all existing K-12 scholarship/voucher programs to education savings accounts (ESAs), and funds them through a line item in the FEFP. The *Senate Children, Families, and Elder Affairs Committee* will consider [SB 590 \(Harrell\)](#), which revises parent notification requirements that must be met before conducting an involuntary examination of a minor who is removed from school. Finally, the *Senate Commerce and Tourism Committee* will consider [SB 72 \(Brandes\)](#), which is the Senate's COVID-19 liability bill.

Over in the House, on February 16, 2021, the *Early Learning and Elementary Education Subcommittee* will hear presentations on teacher preparation and professional development relating to reading instruction and the implementation of evidence-based strategies in classrooms and at home. The committee will also consider [HB 529 \(Fine\)](#), which would require a 1-2 minute moment of silence at the start of every school day. This bill is identical to [SB 282 \(Baxley\)](#), which has been discussed previously. Later that day, the *House Judiciary Committee* will consider [HB 7 \(McClure\)](#), the House's version of the COVID-19 liability bill. This will be the third and final committee stop for HB 7.

On February 17, 2021, the *House Secondary Education and Career Development Subcommittee* will receive a presentation on preparing students for colleges and careers. **Dr. Gregory Adkins**, Lee County School District's Superintendent, will be part of the panel for that discussion.

Finally, as mentioned above, at 10:00 am on February 18, 2021, the *House PreK-12 Appropriations Subcommittee* will receive an overview of the FEFP. The committee will also hear from five of our Superintendents. **Mr. Bill Husfelt** (Bay), **Mr. Will Hartley** (Bradford), **Dr. Mark Mullins** (Brevard), **Mr. Alberto Carvalho** (Miami-Dade), and **Dr. Donald Fennoy** (Palm Beach) will discuss district ESSER funding and expenditures and local efforts to address the number of students who did not enroll in school this year. You will be able to watch this meeting and all committee meetings on [the Florida Channel](#).

As always, please let me know if you have any questions about a bill or anything else happening here in Tallahassee.