

## 8th Week of the Legislative Session – Report for April 22-26, 2019

### General Information

This report contains pertinent information presented and discussed during the 8th week of the 2019 legislative session.

After the final Pre-K-12 Appropriations Committee all unresolved issues related to the budget, the proviso language, the back of the bill language, and the implementing bill language were bumped up to the Appropriations Chairs ultimately responsible for resolving all outstanding budget issues.

The attached report identifies the final issues that were resolved and the items of general interest that were bumped. There were about two dozen small projects that were bumped that are not likely to be of general interest to school/ districts.

### Senate Floor Action

On Thursday, April 25<sup>th</sup>, the Senate passed SB 7070 which would allow students to use taxpayer-funded scholarships to pay for private-school tuition. The bill was amended more than ten times before it passed. Description of the changes are included below.

### **SB 7070 by Senate Education Committee related to Education**

The bill:

- Provides additional educational options and support for families by:
  - Creating the Family Empowerment Scholarship to help a specified number of students from low-income families attend an eligible private school.
  - Authorizing unallocated funds under the Hope Scholarship Program to be used to fund the Florida Tax Credit Scholarship.
  - Expanding the definition of a persistently low-performing school
    - The bill amends the definition of persistently low-performing schools to include Florida Opportunity Zones designated by the Treasury that would allow Schools of Hope to open in the identified Florida Opportunity Zones. **(Amended Language Lines 511 - 514)**
    - revises the definition of “persistently low-performing schools” to include schools that have a grade below a “C” for 3 out of 5 years and has not earned grade of a “B” or higher in the most recent 2 school years. **(Amended Language Lines 519 - 521).**
- Provides support for public schools, teachers, and principals by:
  - Modifying the Best and Brightest Teachers and Principals Scholarship Programs to provide recruitment and retention bonus funds to classroom teachers, awards to principals based on the academic improvement of schools, and recognition bonus funds to all instructional personnel
    - Recruitment awards for newly hired teachers who are a content expert, based on criteria established by the department, in mathematics, science, computer science, reading, or civics. **(Added Language Lines 2124 - 2128)**

- Retention awards for teachers rated as “highly effective” or “effective” the preceding year, and currently teaching in a school that has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.
      - Recognition awards for teachers and instructional personnel rated as “highly effective” or “effective” and selected by the school principal based on performance criteria and policies adopted by the district school board. **(Added Language Lines 2151- 2128)**
    - The bill removes a teacher’s performance on the SAT or ACT as a factor in determining eligibility for the award **(Removed Language in Lines 2130 - 2150).**
- Modifying teacher certification requirements relating to the general knowledge examination, requiring changes to specified certification examination fees, and specifying that classroom teachers only are required to demonstrate mastery of general knowledge.
  - the bill removes the provision that examination fees must be sufficient to cover the actual cost of developing and administering the examination and requires that the rule specify the following fees: **(Added Language Lines 2090 – 2098)**
    - Initial registration for first-time test takers.
    - Retake of the full battery of subtests of an examination, if applicable. The retake fee for the full battery of subtests may not exceed the fee for the initial registration.
    - Retake for each subtest of an examination. The retake fee for each subtest must be prorated based on the number of subtests within the examination
  - The bill specifies that only a classroom teacher must demonstrate mastery of general knowledge to earn the applicable educator certificate. **(Added Language Lines 1954 – 1955)**
  - The bill requires a school district who employs a classroom teacher who does not achieve passing scores on any subtest of the general knowledge examination to provide information regarding the availability of state-level and district-level supports and instruction to assist that teacher in achieving a passing score. Such information must include, but is not limited to: **(Added Language Lines 1986– 1994)**
    - State-level test information guides;
    - School district test preparation resources; and
    - Preparation courses offered by state universities and FCS institutions.
  - The bill amends s. 1012.56, F.S., to remove the requirement that a teacher issued a temporary certificate must demonstrate mastery of general knowledge by achieving passing scores on all subtests within one calendar year of the date of employment. **(Removed Language Lines 2041 – 2050)**

- The bill also removes the prohibition on a school district from continuing employment beyond one year for a teacher with a temporary certificate who has not demonstrated mastery of general knowledge.
- The bill provides a teacher an additional two years to earn a professional certificate if the certificate holder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program pursuant to s. 1012.56(8), F.S. **(Add Language Lines 2065 – 2062)**
- The bill retains the requirement for a teacher to demonstrate mastery of general knowledge as a condition for issuance of a professional certificate, but extends the time to demonstrate mastery of general knowledge for the validity period of the temporary certificate **(Removed Language Lines 2041 – 2050 and keeping lines 2040 - 2041)**
- Removing school district requirements for an educational plant survey and cost per student station restrictions when local funds are used for facility construction **(View lines 1886 – 1899 and 2296 – 2301)**
- Modifying funding for wraparound services by establishing a categorical program to help district-managed turnaround schools and offer services to improve the academic and community welfare of students and families. **(Add Language Lines 1797 – 1814)**
- Promoting the expansion of community schools to engage and support parents and community organizations to improve student learning and well-being.
  - The bill creates s. 1003.64, F.S., establishing the Community School Grant Program (program) to fund and support the planning and implementation of community school programs. The program is intended to improve student success and well-being by engaging and supporting parents and community organizations in their effort to positively impact student learning and development. **(Add Language Lines 1343 – 1347 and 1377 -1396)**
  - The bill specifies that a community school model is a school service model developed by the Center for Community Schools at the University of Central Florida (center) which utilizes long-term partnerships among a school district, community organization, a university or college, and a health care provider to implement programs, beyond the standard hours of instruction, which must include but are not limited to: **(Add Language Lines 1353 – 1376)**
    - Expanded learning opportunities
    - Support for students; and
    - Family engagement.
- Modifying the funding compression allocation within the Florida Education Finance Program (FEFP) to make it permanent.

### **Adopted Amendments (Language Added to SB 7070)**

- Senator Bracy's Amendment: <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/785318/PDF>

- Senator Montford's Amendment: <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/208314/PDF>
- Senator Diaz's Amendments
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/581122/PDF>
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/881674/PDF>
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/726188/PDF>
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/581332/PDF>
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/216008/PDF>
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/106322/PDF>
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/766430/PDF>
- Senator Lee's Amendment:
  - <https://www.flsenate.gov/Session/Bill/2019/7070/Amendment/540300/PDF>

The bill passed favorably, 23 – 17 along party lines. The bill is has now been sent to the House floor to be heard on April 29<sup>th</sup>.

### **SB 190 by Sen. Stargel related to Higher Education**

The bill modifies the requirements associated with the Florida Bright Futures Scholarship Program (Bright Futures program), and removes restrictions in current law regarding funding for the operation of schools and performance funding for industry certifications.

Specifically, the bill:

- Regarding the Bright Futures program, the bill:
  - Removes the requirement that students enroll in a Florida postsecondary education institution within 2 years of graduation from high school.
  - Eliminates the 45-credit hour annual restriction in the award of a scholarship.
  - Specifies the eligibility of a student, who enrolls in the pilot program at the University of Florida, to receive an award during the fall term.
  - Codifies the existing State Board of Education rule that allows Florida private school graduates to meet the high school credential-specific eligibility criterion.
  - Extends the annual deadline, from August 31 to December 31, for when a student who graduates from high school midyear must apply for the scholarship.
  - Revises the examination score requirements for award eligibility to align the SAT and ACT examination scores with the SAT national percentile rank specified in law; and requires the Florida Department of Education (DOE) to publish ongoing updates to the examination scores.
- Regarding industry certification performance funding, the bill removes the \$15 million annual cap for both Florida College System institutions and school district workforce education programs.
- Creates the Florida Apprenticeship Grant Program to provide competitive grants to expand and enhance apprenticeship and preapprenticeship programs.
- Expands access to associate in arts (AA) degrees by requiring:

- A reverse transfer agreement for an FCS institution to award AA degrees to students who transferred to a state university from an FCS institution before earning the AA degree, but who have since completed requirements for the degree.
  - State universities to award an AA degree to students who meet specified requirements and who request the degree.
- Establishes the “2+2” targeted pathway program to provide students guaranteed access to baccalaureate degree programs at state universities.
- Regarding higher education funding, the bill authorizes FCS institutions and state universities to use their carry forward funds each year for operations, for maintenance, or to finish previously funded PECO projects as specified in the bill. Requires approval of each carry forward spending plan by each local board of trustees and the SBE or Board of Governors (BOG), as appropriate.
- Regarding Public Education Capital Outlay (PECO), the bill:
  - Modifies standards for calculation of space needs by FCS institutions and universities including changing utilization rates for classrooms considered fully utilized to 80 percent utilized for 60 hours per week and for teaching lab space to 85 percent utilized for 40 hours a week
- Requires the SBE and BOG to develop a points-based methodology to rank projects for recommendation for funding, and specifies requirements for colleges and universities based on institution size.
- Requires the Office of Economic & Demographic Research to adopt a PECO appropriation estimate that incorporates an averaged bonding capacity through Fiscal Year 2022-23.
- Authorizes FCS institutions that meet established criteria to construct dormitories using bonds issued by nonpublic entities as part of a public-private partnership between the college and a nonpublic entity.
- Requires the BOG to develop and annually deliver a training program for trustees, which must be completed within 1 year of appointment and reappointment.
- Establishes reporting requirements regarding district and institution compliance with law, to require:
  - The Commissioner of Education to report to the SBE any findings by the Auditor General that a district school board or FCS institution is acting without statutory authority or contrary to state law.
  - The Chancellor of the State University System to report to the BOG any findings by the Auditor General that a state university is acting without statutory authority or contrary to state law.
- Prohibits a FCS institution direct-support organization from giving to a political committee, without exception.

The bill passed the Senate favorably (35 – 2). The bill is now on the House floor to be heard on April 29<sup>th</sup>.

**SB 120 by Sen. Perry related to Early Childhood Music Education Incentive Pilot Program**

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2020, to June 30, 2022.

The pilot program is contingent upon a legislative appropriation for Fiscal Year 2019-2020. For Fiscal Year 2018-2019, \$300,000 in nonrecurring funds were appropriated from the General Revenue Fund to implement the pilot program. These funds were subsequently vetoed by the governor.

The bill passed the Senate favorably (40 – 0). The bill is currently in House messages.

### **House Floor Action**

#### **HB 401 by Rep. DiCeglie related to Mastery-based Education**

The bill renames the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program (MBEPP) and expands the option to participate in the MBEPP to all school districts. The bill does not extend the program beyond the 2020-2021 school year.

The bill authorizes school districts participating in the MBEPP to award course credit as a student demonstrates mastery of the core content and skills, consistent with the NGSSS, rather than award credit based on the 135 or 120 hour instructional requirements. The district school board must approve a participating school's use of mastery-based progression in lieu of instructional time. Some students may progress more rapidly through a course by mastering core content and skills without having to meet the minimum instructional hours' requirement, while others may need more than 135 or 120 hours of instruction to master course core content and skills.

The bill authorizes participating school districts to use alternatives for the interpretation of middle and high school letter grades ("alternative grading system") to measure student success in grades 6–12, but participating districts must continue to use the established four-point scale for calculating a student's grade-point average.

The bill allows participating school districts, beginning with the 2019-2020 school year, to amend their applications to include alternatives for awarding credit and alternative grading systems for middle and high school letter grades. Applications that are amended must be approved by the district school board.

Alternatives to awarding credit must include verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work. A participating school district that uses an alternative to awarding credit must amend its student progression plan to conform to the alternative awarding of credits.

The bill revises the requirements for the statewide articulation agreement to provide fair and equitable access for students who graduate with a standard high school diploma and have earned high school credit through a mastery-based education program.

## **HB 7071 by Higher Education & Career Readiness Subcommittee related to Workforce Education**

The bill promotes apprenticeships, enhances talent development, and increases career opportunities for Floridians by:

- Creating the “Strengthening Alignment between Industry and Learning to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030.
- Revising the school grades formula to recognize career certificate clock hour dual enrollment and establishing formal career dual enrollment agreements between high schools and career centers.
- Allowing students with an industry certification to earn two mathematics credits for Algebra I.
- Allowing a computer science credit to substitute for a mathematics or science credit and requiring a biennial review of career education courses for alignment with high school graduation requirements.
- Requiring the Department of Education (DOE) to provide assistance in increasing public awareness of apprenticeship and preapprenticeship opportunities.
- Requiring the Commissioner of Education to annually review career and technical education course offerings.
- Establishing a “College and Career Decision Day” to recognize high school seniors for their postsecondary education and career plans.
- Doubling the cap on career and professional education Digital Tool certificates.
- Establishing a middle grades career planning course requirement.
- Revising requirements relating to adjunct teaching certificates.
- Reconstituting the Higher Education Coordinating Council as the Florida Talent Development Council, revising its membership, and requiring the council to develop a strategic plan.
- Creating the Florida Apprenticeship Grant Program to provide competitive grants to expand and enhance apprenticeship and preapprenticeship programs.
- Requiring the Department of Business and Professional Regulation, in consultation with the DOE, to submit a report by December 1, 2019, regarding apprenticeship programs that could substitute for the educational training otherwise required for licensure.
- Requiring the statewide articulation agreement to provide for a reverse transfer agreement.
- Requiring career centers and Florida College System (FCS) institutions with overlapping service areas to execute regional career pathways agreements.
- Requiring each school district and FCS institution receiving state workforce education funds to maintain adequate and accurate records and revising the calculation methodology for determining state funding for workforce education programs

The bill passed the House Floor (108 – 0). The bill is currently in the Senate messages.

### **HB 807 by Rep. Aloupis related to Civics Education**

The bill requires all instructional materials, used for the one-semester civics education course in middle school, be reviewed and approved by the Commissioner of Education in consultation with organizations that may include, but are not limited to: the Florida Joint Center for Citizenship; Bill of Rights Institute; Hillsdale College; Gilder Lehrman Institute of American History; iCivics; and the Constitutional Sources Project. The review must also be in consultation with stakeholders made up of educators, school administrators, postsecondary representatives, elected officials, business and industry leaders, parents, and the public.

The bill requires any errors and inaccuracies in state-adopted civics materials, identified by the Commissioner, be corrected pursuant to current statutory procedures.

By December 31, 2019, the bill requires the Commissioner to review current state-adopted civics instructional materials and the statewide civics EOC and provide recommendations for improvements. The bill requires the DOE to complete a review of civics education course standards by December 31, 2020.

The bill passed the House Floor (111 – 1). The bill is currently in the Senate and has been referred to the Education and Rules committee.

### **HB 1197 by Rep. Fischer related to Charter Schools**

The bill authorizes state universities and Florida College System (FCS) institutions to sponsor charter schools upon approval by the Department of Education (DOE). The bill also revises requirements for charter schools operated by a FCS institution with a teacher preparation program.

The bill provides that the board of trustees of a sponsoring state university or FCS institution is a local educational agency for the purposes of receiving federal funds and accepting responsibility for all requirements in the role.

The bill requires the 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 passed the House Floor (74 – 37). The bill is currently in the Senate and has been referred to the Education, Appropriations Subcommittee and Appropriations committee.

### **HB 1061 by Rep. Overdof related to Funds for the Operation of Schools**



The bill provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma.

The bill passed the House Floor (107 – 4). The bill is currently in the Senate and has been referred to the Education, Appropriations Subcommittee and Appropriations committee.

### **HB 23 by Rep. Yarborough related to Telehealth**

Telehealth is the remote provision of health care services through the use of technology. HB 23 defines telehealth and authorizes its use in this state.

The bill authorizes Florida licensed health care professionals to use telehealth to deliver health care services within their respective scopes of practice. The bill also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the Department of Health (DOH) or the applicable board, meet certain eligibility requirements, and pay a fee. A registered telehealth provider may use telehealth, within the relevant scope of practice established by Florida law and rule, to provide health care services to Florida patients, but is prohibited from opening an office in Florida and from providing in-person health care services to patients located in Florida.

The bill also establishes standards of practice for services provided using telehealth, including patient examination, record-keeping, and a prohibition on prescribing controlled substances for chronic malignant pain.

For tax years beginning on or after January 1, 2020, the bill creates a tax credit for health insurers and health maintenance organizations (HMOs) that cover services provided by telehealth. A tax credit, in the amount of one tenth of one percent of total insurance premiums received on certain accident or health insurance policies issued or delivered in Florida in the previous calendar year, may be applied against the incurred corporate income tax or insurance premium tax.

The bill has a significant, negative fiscal impact on DOH and appropriates \$261,389 in recurring and \$15,020 in nonrecurring funds and authorizes four FTEs to implement the bill's provisions. The Revenue Estimating Conference estimates the bill to have a negative impact on General Revenue of \$31.4 million beginning in FY 2020-21 growing to \$35.4 million annually by FY 2023-24. The bill has no fiscal impact on local government.

The bill is currently on 3<sup>rd</sup> reading and is scheduled to be heard on the Senate Floor on April 29<sup>th</sup>.

The final week of the 2019 legislative session will reconvene on Monday, April 29<sup>th</sup>.

Sine Day is scheduled for May 3<sup>rd</sup>.

I hope you find the information above helpful. If you have any questions or need additional information, please feel free to contact me at (407) 317-3200 ext. 2002966 or Eileen Fernandez, Associate General Counsel at (407) 317-3411 ext. 2002945.