

3rd Week of the Legislative Session – Report for March 18-22, 2019

General Information

This report contains pertinent information presented and discussed during the third week of the regular 2019 legislative session. Both the House and Senate held meetings in both chambers, which consisted of legislative bills.

This week, the Senate and House rolled their respective education budgets. There are significant differences between the two proposals. These proposals will be incorporated into the proposed General Appropriations Act from each chamber.

Please find attached the following:

- Senate & House FEFP Notes
- 2019-20 House and Senate Statewide Comparisons (SB 2500)
- 2019-20 House and Senate Statewide Comparisons (HB 5001)
- House PreK-12 Chair Budget
- Senate Education Appropriations Budget

The Appropriations Committees of each chamber will take the respective bills to the floor of each chamber. Each budget proposals will be passed and eventually conference committees will be appointed to resolve the differences between the chambers and a final conference report will be adopted before the end of the regular session on May 3, 2019.

Senate

Senate Education Committee – Chair, Senator Manny Diaz

SB 292 by Sen. Lee related to Education

The bill protects the ability of a public school student to wear a military uniform to his or her graduation ceremony. Specifically, the bill prohibits a district school board from barring a student from lawfully wearing to his or her graduation ceremony a uniform of any of the Armed Forces of the state or of the United States.

The bill passed the Education Committee favorably.

SB 770 by Sen. Hutson related to Education

The bill promotes career education and readiness opportunities for students in public schools. The bill creates an alternative pathway, namely the career and technical education (CTE) graduation pathway option, for students to earn a standard high school diploma, and specifies related requirements. Additionally, the bill provides responsibilities for district school boards and the Department of Education (DOE) regarding career education opportunities, specifies options for students to substitute computer science credit for certain credits required for high school graduation, and revises requirements related to CAPE Digital Tool Certificates and adjunct educator certification.

The bill modifies the 24-credit pathway for earning a standard high school diploma by modifying the mathematics and science credit requirements in the following ways:

- A student who earns a computer science credit may substitute the credit for up to one credit of the mathematics requirement, with the exception of Algebra I and Geometry, if the commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit.

- A student who earns a computer science credit may substitute the credit for up to one credit of the science requirement, with the exception of Biology I, if the commissioner identifies the computer science credit as being equivalent in rigor to the science credit.
- An identified computer science credit may not be used to substitute for both a mathematics credit and a science credit.

The bill also creates an alternative pathway, as an option, for students to earn a standard high school diploma. The bill specifies that, beginning with the 2019-2020 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the Career and Technical Education (CTE) pathway option.

Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least 18 credits. The bill specifies that a student completing the CTE pathway option must earn at least a cumulative GPA of 2.0 on a 4.0 scale. This GPA requirement is consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma.

Under the CTE pathway option, the bill establishes high school credit requirements that are different from the 24-credit and 18-credit options but maintains the assessment requirements which are specified in law. The bill also allows for industry certification substitution for mathematics or science credits if a student earns the industry certifications for which there is a statewide college credit articulation agreement approved by the state board.

The bill passed the Education Committee favorably.

SB 934 by Sen. Diaz related to High-Performing Charter Schools

The bill modifies the high-performing charter school eligibility criteria, and related authorities regarding increasing student enrollment and replicating charter schools.

Specifically, the bill:

- Provides a mechanism for an alternative charter school to become a high-performing charter school if such school received, instead of specified school grades, at least two school improvement ratings of "commendable" and no school improvement rating below "maintaining," during each of the previous 3 school years, and:
 - Applies the existing financial audit-related eligibility criteria to an alternative charter school that received the specified school improvement rating.
 - Eliminates the eligibility criteria for a charter school to become a high-performing charter school based on the school receiving 2 consecutive school grades of "A" in the most recent 2 school years.
- Modifies a high-performing charter school's existing authority to increase its student enrollment once per school year to specify that the student enrollment may not exceed the current facility capacity.
- Reduces the number of charter schools that a high-performing charter school may establish within the state in any year from no more than 2 schools to no more than 1 school. The bill maintains current law that authorizes a high-performing charter school to establish more than one charter school within the state in any year if the high-performing charter school operates in the area of a persistently low-performing school and serves students from that school.

The bill passed the Education Committee favorably.

SB 1304 by Sen. Perry related to Pathways to College and Career Success

The bill provides for greater access to meaningful credentials that prepare students for additional postsecondary education or a career.

Specifically, the bill:

- Requires the Commissioner of Education (commissioner) to conduct an annual review of career and technical education offerings in the K-12 education system, career centers, and the Florida College System (FCS) to determine their alignment with employer demand, postsecondary degree or certificate programs, and industry certifications. As a result of the review, the commissioner must:
 - Phase out programs not aligned to the needs of employers or do not provide completers with middle- or higher-wage jobs
 - Encourage school districts and FCS institutions to offer new programs that are in demand by employers.
 - Provide an annual report to the Governor and the Legislature summarizing findings and recommendations
- Expands access to associate in arts (AA) degrees by requiring:
 - The statewide articulation agreement to provide for a reverse transfer agreement to award AA degrees to students who transferred to a state university from an FCS institution before earning the AA degree, but have since completed requirements for the degree.
 - State universities to annually notify students of the option in law to request an AA certificate if they have successfully completed the requirements of the degree.
- Authorizes a state university or FCS institution to waive tuition and fees for a student who was enrolled between 5 and 10 years ago, and who successfully completed all but the equivalent of 10 percent of the required coursework for an associate or bachelor's degree.

The bill passed the Education Committee favorably.

SB 1316 by Sen. Brandes related to Civic Education

The bill expands and enhances civics instruction in public schools. The bill creates the United States Government and Civic Engagement course and provides:

- An option for students entering grade 9, in the 2020-2021 school year, to take one-half credit in United States Government and Civic Engagement.
- A nonpartisan civic literacy project as the laboratory component of the United States Government and Civic Engagement course.

Additionally, the bill:

- Creates the Florida Seal of Civic Engagement Program.
- Provides an option for students initially enrolling in a Florida College System institution or state university to demonstrate competency in civic literacy by earning the Seal of Civic Engagement.
- Requires the Department of Education (DOE) to include nonpartisan civic literacy projects when encouraging school districts to initiate, adopt, and expand service-learning programs and policies in kindergarten through grade 12.
- Amends the school grading requirements beginning with the 2020-2021 school year to include the percentage of students who complete the United States Government and Civic Engagement course with a grade of "B" or higher in the calculation.

The bill passed the Education Committee favorably.

SB 1366 by Sen. Baxley related to Education

The bill promotes options for education in computer science by:

- Providing that a student may substitute one computer science credit for one science credit, excluding Biology I, in order to satisfy the credit requirements to earn a standard high school diploma;
- Including high-quality professional development for teachers to provide instruction in computer science courses and content to the existing training that a school district or consortium of school districts may apply to the Department of Education for funding to deliver, subject to legislative appropriation; and
- Increasing the number of potential certificates available to elementary and middle school students by doubling the limit on CAPE Digital Tool certificates that may be included on the Industry Certification Funding List.

The bill passed the Education Committee favorably.

SB 1444 by Sen. Diaz related to Education

The bill provides safeguards to help protect students by requiring the creation of a state disqualification list to be maintained by the Department of Education (department or DOE), which must include the following information:

- The name of any individual who has been placed on the list by the Education Practices Commission (EPC) pursuant to law, or whose educator certificate has been permanently revoked by the EPC.
- The name of any private school owners or operators who have been permanently disqualified from participation in a state scholarship program by the DOE.

Additionally, the bill:

- Requires the DOE to provide authorized staff of school districts, charter schools, the Florida School for the Deaf and Blind, and private schools that accept scholarship students who participate in a state scholarship program with electronic access to the DOE's disqualification list.
- Prohibits any individual on the disqualification list from earning an educator certificate or being employed in any position which requires direct contact with students in any public school, charter school, or private school that accepts state scholarship money.
- Provides the DOE and EPC with authority to place individuals on the disqualification list for certain purposes.
- Requires the DOE to immediately investigate, under certain circumstances, any legally sufficient complaint that involves the misconduct by an employee or contracted personnel in a public school, charter school or private school that receives state scholarship funds.

The bill passed the Education Committee favorably.

Senate Appropriations Education Subcommittee – Chair, Senator Kelli Stargel

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.

This bill takes effect July 1, 2019.

The bill passed the Senate Appropriations Subcommittee favorably.

SB 7070 by Senate Education Committee related to K-12 Education (Senate's major K-12 Education bill) – See attachment for summary

The underlying bill provides flexibility in the use of the 1.5 discretionary millage and removes restrictions in the application of the cost per student station provisions.

Senator Montford proposed two amendments that were adopted by committee. The first amendment modified the definition of “cost per student station” to include several factors including hurricane hardening and school safety costs so that those districts that continue to receive state funds, primarily in the Special Facilities Program. The second amendment requires districts submitting an application for a Special Facilities project to submit Phase I instead of Phase III plans which is a cost savings to districts.

The bill passed the Senate Education Appropriations Subcommittee as amended.

SB 190 by Sen. Stargel related to Education

The bill amends s. 1009.215, F.S., relating to Bright Futures Scholarship. Students enrolled in the pilot program are eligible to receive the scholarship for attendance during the spring and summer terms. This student cohort is also eligible to receive the scholarship during the fall term which may be used for off-campus or online coursework, if scholarship funding is provided by the Legislature for three terms for other eligible students during that academic year.

The bill amends s. 1009.53, F.S., relating to the Florida Bright Futures Scholarship Program. The requirement that the scholarship be used within 3 years of graduation from high school is deleted. The scholarship program is increased to four awards and now includes the Florida gold Seal CAPE Scholarship. The 45 annual semester credit hour cap is removed. An institution that receives funds from the program for the summer term must submit the certification to DOE of any undisbursed advances within 30 days after the end of the summer term.

The bill amends s. 1009.531, F.S., relating to the Florida Bright Futures Scholarship Program and authorizes a student who earns a high school diploma from a Florida private school to be eligible for a scholarship. The bill also authorizes a student who graduates midyear to apply no later than December 31 rather than August 31 of the student's graduation year to be evaluated to receive an award. The bill requires that a student graduating from high school in the 2012-2013 academic year and thereafter is eligible to receive an award for 5 years following high school graduation. The student may also reapply for up to 5 years rather than 2 year. For a student who enlist in the Armed Services after high school, the 5-year period begins upon the date of separation from active duty. For a student who is unable to accept an initial award due to a full-time religious or service obligation lasting at least 18 months which begins within 1 year after completion of high school, the 5-year period begins upon completion of the obligation.

The bill specifies that districts shall annually provide to each 11th and 12th grader a Bright Futures Scholarship Evaluation Report and Key. A student who is not eligible by the applicable deadlines may be allowed additional time to complete the requirements. A student who completes the requirements by December 31, must receive the award for the full academic year, including the fall term. The bill specifies the required examination scores for the SAT and ACT for students graduating in the 2018-2019 and 2019-2020 academic year. Thereafter, a student must achieve the required scores published by the department. The bill specifies the process of establishing the required scores and establishes thresholds based on national percentile scores on the Act and the required ACT scores must be concordant to the required SAT scores.

The bill amends s. 1009.532, F.S., relating to the Florida Bright Futures Scholarship Program to provide conforming language and delete obsolete language. The bill provides that a student who receives an award and is subsequently ineligible due to an updated grade or hour information may not receive a disbursement for a subsequent term, unless the student successfully restores the award.

The bill amends s. 1009.536, F.S., relating to the Florida Gold Seal Vocational Scholars and Florida Gold Seal CAPE Scholars awards to provide conforming language and delete obsolete language.

The bill amends s. 1011.62, F.S., relating to funds for operation of schools. The Federally Connected Student Supplement language is modified and the language requiring recalculation and proration is removed. The Safe Schools Allocation is amended to modify the calculation so that one-third is allocated to districts based on the Crime Index and two-thirds is allocated based on the proportionate share of UWFTE. The language requiring the additional funds appropriated in 2018-2019 to be used for SROs is repealed. The Funding Compression Allocation becomes permanent in that the sunset provision is repealed.

The bill amends s. 1011.80, F.S., relating to funds for operation of workforce education programs. The funding cap of \$15 million for industry certifications earned by students is removed.

The bill amends s. 1011.81, F.S., relating to the Florida College System Program Fund. The \$15 million funding cap for industry certifications earned by students is removed.

The bill passed the Senate Education Appropriations Subcommittee favorably.

**Senate Finance and Tax Committee – Chair, Senator George Gainer
SB 336 by Sen. Brandes related to Local Tax Referenda**

The bill provides that a referendum to adopt or amend a local option discretionary sales surtax must be held at a general election.

The Revenue Estimating Conference determined this bill does not affect state or local government revenues.

The bill takes effect July 1, 2019.

The bill passed the Senate Finance and Tax favorably.

Senate Infrastructure and Security Committee – Chair, Senator Tom Lee

SB 7030 by Senate Education Committee related to School Safety and Security

The bill builds upon the school safety and security foundation established in SB 7026 (2018) by addressing the school safety and security recommendations of the Marjory Stoneman Douglas High School Public Safety Commission, and strengthening accountability and compliance oversight authority.

Specifically, the bill:

- Improves school security measures by:
 - Establishing a workgroup to review campus hardening policies and recommend a prioritized list of strategies for implementation and related policy and funding enhancements;
 - Prioritizing the use of the school security risk assessment tool and including first responders in the assessment; and
 - Expanding school district options and eligibility for participation in the Coach Aaron Feis Guardian Program
- Enhances student safety by:
 - Requiring improved school safety incident reporting;
 - Promoting the FortifyFL mobile suspicious activity reporting tool;
 - Expediting services for students with mental or behavioral disorders;
 - Requiring active assailant response policies;
 - Establishing a standardizing behavioral threat assessment instrument; and
 - Establishing a workgroup to make recommendations regarding the development of a statewide threat assessment database.
- Provides school districts with greater flexibility to improve school safety by authorizing the transfer of additional categorical funds within the Florida Education Finance Program (FEFP) towards school safety expenditures.

The bill was temporarily deferred in the Senate Infrastructure and Security Committee. The chairman said it would be considered next week. Time ran out before the bill could be heard. Chair Lee wanted to give the bill due consideration since so many people had signed up to testify.

House

House PreK-12 Innovation Subcommittee – Chair Representative Ralph Massullo PK11 19-02 by PreK-12 Innovation related to School Choice

The bill amends several provisions relating to school choice.

Controlled Open Enrollment

The bill modifies the controlled open enrollment process to require schools districts to report the number of controlled open enrollment applications it receives as well as the percentage of applications granted per school year.

The bill clarifies annual public school choice reporting requirements of school districts to include the number of students who applied for and are using school choice.

Charter Schools

The bill repeals the requirement that a charter school sponsor report on draft applications it receives and revises the date by which a sponsor must annually report

the number of applications it receives from August 31 to November 1. Accordingly, the bill revises the date by which the DOE annually reports the number of applications on its website from November 1 to January 15.

The bill repeals the obsolete August 1 application deadline and specifies that each sponsor's report to the DOE must reflect the applications it receives by the February 1 deadline, which became effective in 2018.

Schools of Hope

The bill amends the definition of persistently low-performing schools to include the addition of Florida Opportunity Zones designated by the Treasury. In December 2017, the federal Tax Cuts and Jobs Act of 2017 was signed into law. The act provides tax incentives for investments in opportunity zones, comprising economically-distressed communities, to spur economic development and job creation.

The bill revises the definition of persistently low-performing to mean a school that has earned three grades lower than a "C" in at least 3 of the last 5 years. The definition for a school of hope is amended to include a charter school operated by a hope operator serving students in a Florida Opportunity Zone, and a school operated by a hope operator selected by a school district to turnaround a low-performing school.

The definition of hope operator, after the SBE adopts measureable eligibility criteria, is amended to include an entity that meets the criteria established in statute or an operator who receives funding through the National Fund of the Charter School Growth Fund.

The bill expands eligible expenditures of Schools of Hope funds to include:

- capital outlay up to the amount a school would receive under the charter school capital outlay formula until the school is eligible for such funds;
- hiring of executive directors and regional directors;
- hiring and compensating of specified staff until the school has reached full enrollment; and
- initial leasing and related costs of a school facility in the event that a district-owned facility is not available or was not leased in a timely manner

Program awards for traditional public schools are amended to an amount up to \$500 per FTE. The bill allows these awards to continue during the implementation of the school's turnaround plan and for one school year after the school exits from turnaround status. Further, awards are now contingent upon approval of the turnaround plan by the SBE. A school's turnaround plan must identify public and private funds to be used to sustain the turnaround plan beyond the award and assure that the award funds will not replace funds already provided to the school. The bill expands the number of program awards the SBE may provide to traditional public schools from up to 25 to up to 75 and requires the grant to describe how the plan can be continued beyond the award period.

Hope Scholarship Program

The bill clarifies that a student who enrolls in a public school program within the district is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, a scholarship student who enrolls in a public school located outside of the district in which the incident occurred may convert the scholarship to a transportation scholarship for up to \$750.00. The bill also repeals DOE requirements to contract with an independent entity to provide an annual evaluation of the program.

Private Schools Eligibility in State School Choice Scholarship Programs

The bill repeals the background screening exemption for teachers with a Florida educator certificate, to allow a participating private school to screen those teachers along with all of its instructional staff.

Community Partnership Schools

The bill codifies the Center in law to provide technical assistance, university-assisted partnerships, training, assessment, and evaluation for the establishment and implementation of community school models.

The bill defines "community organization" and designates it as the lead partner in the community school model that facilitates the use of grant funds. The "community school model" is defined as the model developed by the Center that utilizes a long-term partnership among a school district, community organization, a college or university, and a healthcare provider. The bill requires the model to include a governance structure that includes members from the partnership and provides that it may include community leaders. The model must also establish standards for effective implementation, reporting, and evaluation of each participating school, and provide for family engagement and expanded learning opportunities and support.

Subject to available funds, the Center may use grants to facilitate the implementation of the CPS model in Florida. The bill requires that the Center:

- require a participating public school to establish a long-term partnership through a memorandum of understanding and condition the grant award upon the community organization securing matching funds; and
- prioritize awards based on demonstration of the technical and financial ability to sustain the model beyond the initial grant period and in districts where a community school has not already been established.

The Center must publish on its website information on each community organization receiving a grant to implement a community school

The bill was amended to provide that state college, college and university facilities may provide land within their property for charter schools under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change. Currently, they may only provide space within their facilities.

The bill passed the House PreK-12 Innovation Subcommittee favorably as amended. The proposal was filed and is now HB 7095.

HB 189 by Rep. Zika related to Postsecondary Education for Secondary Students

The bill renames the “collegiate high school program” as the “early college acceleration program” and expands the program from 1 to 2 years.

The bill requires the program be made available to students in both grades 11 and 12 and specifies that the program must include an option for a participating student to graduate from high school with an associate degree. District school boards are prohibited from limiting the number of eligible students who may enroll in an early college program.

The bill deletes the requirement for a separate early college program contract and requires each dual enrollment articulation agreement between a Florida College System institution and a school district to establish at least one early college program.

The bill authorizes a district school board to establish an early college program with a state university or an eligible institution and authorizes a charter school to establish an early college program with a state college, state university, or other eligible postsecondary institution.

The bill requires each district school board, by September 1, 2020, and annually thereafter, to post on its website information regarding earning college credit through the early college program and the associated cost savings.

Beginning September 1, 2020, and annually thereafter, each postsecondary institution must report information regarding each dual enrollment articulation agreement it has entered into during the previous year to the Commissioner of Education.

The bill specifies that dual enrollment instructional materials must be provided to students in a home education program at no cost. By November 30, 2020, and annually thereafter, the Department of Education must post on its website information regarding the status of early college programs.

The bill passed the House PreK-12 Innovation Subcommittee favorably.

HB 1193 by Rep. Grall related to Prekindergarten Education Program

The Voluntary Prekindergarten Education (VPK) Program is a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten. Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Accountability for VPK programs is based on meeting health and safety requirements as well as the kindergarten readiness rate, which is calculated using a kindergarten screening administered within the first 30 days of school for kindergarten students.

Some concerns have been raised over the use of a screening administered to kindergarten students in the subsequent school year to determine the readiness rate for VPK providers. The readiness rate also must incorporate learning gains data from an evidence-based VPK pre- and post-assessment when available; however, learning gains have not been calculated since the assessment was adopted in 2015.

The bill revises accountability requirements for the VPK program by:

- requiring the State Board of Education (SBE) and the Office of Early Learning (OEL) to adopt an end-of-kindergarten screening to be administered at the end of the VPK program year and requiring the parents of children enrolled in a VPK program to submit their child to the screening;
- requiring the SBE to adopt a kindergarten screening and alternate, equivalent screenings to be used at the beginning and end of kindergarten to determine a kindergarten readiness rate for public schools;
- requiring each VPK provider to undergo a program assessment that measures, among other things, child-teacher interactions;
- establishing a program score for each VPK provider that incorporates the end-of-prekindergarten screening, the evidence-based pre- and post-assessment, and the program assessment scores; and
- specifying that a VPK provider's contract can be terminated for a period of 2 to 5 years, rather than 5 years, for failure to comply with certain laws or meet a satisfactory program score over a certain period of time.

The bill also:

- requires the OEL and DOE to provide for a coordinated assessment system to track the progress of students in the VPK program through grade 2 in order to provide timely interventions and supports
- revises VPK student performance standards to include math skills and executive functioning skills;
- requires the OEL to make available online professional development and training courses, that are at least 8 clock hours long, that support prekindergarten instructors in increasing the competency of teacher-child interactions.

The bill passed the House PreK-12 Innovation Subcommittee favorably.

HB 1197 by Rep. Fischer related to Charter Schools

The bill authorizes state universities and Florida College System (FCS) institutions to sponsor charter schools. Present limitations on charter schools operated by an FCS institution with a teacher preparation program are repealed.

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

The bill passed the House PreK-12 Innovation Subcommittee favorably.

House PreK-12 Quality Subcommittee – Chair Representative Byron Donalds HB 349 by Rep. DuBose related to Students with Disabilities in Public Schools

This bill amends s. 1003.573, F.S., regarding the use of seclusion and restraint on students with disabilities in public schools.

Specifically, the bill defines terms related to seclusion, physical restraint, and mechanical restraint, and instructs when such techniques may be used. The bill prohibits placing a student in seclusion.

The bill provides that physical restraint may be used only to protect students or school personnel, but not for disciplining a student. A student may only be physically restrained for the time necessary to protect the student and others. The bill prohibits straightjackets and restraint techniques such as obstructing or restricting breathing or blood flow or inflicting pain to induce compliance.

The bill requires school districts to adopt policies and procedures related to positive behavior interventions and supports and identifying all school personnel authorized to use the restraint. Each school district must report to the Florida Department of Education (DOE) approved procedures for training.

The bill requires the Commissioner of Education to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, other developmental disabilities, and emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel. These recommendations must address the use of restraint techniques, positive behavior interventions and supports, and effective classroom behavior management strategies.

This bill may have fiscal impact in that school districts may incur costs associated with training, and developing policies and procedures regarding restraint. The DOE may incur costs associated with publishing monthly incident data and providing additional training for effective classroom behavior management strategies. The costs are indeterminate.

The bill passed the House PreK-12 Quality Subcommittee favorably.

HB 1127 by Rep. Duggan related to Educational Employees

The bill requires the Florida Department of Education (DOE) to create and maintain an electronic employment disqualification list (DQ list) with the intent of preventing individuals subject to disciplinary action from working or serving in an education environment. Individuals who may not be subject to extensive criminal background checks would be exposed by the DQ list.

The DQ list must be used by all public schools, including charter schools, and private schools that accept students who participate in a state scholarship program listed in s. 1002, F.S., to screen potential employees contract employees, board members, or owners for past bad conduct that would disqualify them from being in an educational environment. Screening against the DQ list acts to supplement current criminal background screenings required by Florida law

The bill authorizes the Educational Practices Commission (EPC) and the Commissioner of Education (Commissioner) to place an individual on the DQ list. "Individuals" include: public school employees, public school contracted personnel, charter schools, charter school governing boards, and private schools that accept students who participate in a state scholarship program listed in s. 1002, F.S.

The DOE must place individuals on the DQ list when directed to do so by the EPC for reasons such as an individual has had their education certificate permanently revoked by the EPC, a private school owner's authority to own or operate has been revoked by the Commissioner, or a private school operator's authority to own or operate has been revoked by the Commissioner.

The bill requires certain individuals to report and investigate credible allegations of misconduct. Those with duties to report or investigate include: superintendents of schools who must investigate all allegations; the DOE, which must investigate legally sufficient complaints involving misconduct; and the Commissioner who must, at a minimum, suspend and remove from direct student contact any individuals with credible allegations of misconduct.

The bill passed the House PreK-12 Quality Subcommittee favorably.

HB 259 by Rep. Williams related to Comprehensive Health Education

The bill includes instruction on the following in the required health education curriculum:

- Techniques for students and teachers to recognize and respond to child abuse; and
- The dangers and warning signs of human trafficking.

Additionally, the bill provides a student with the choice to opt out of portions of comprehensive health education with a written request from his or her parent to the school principal.

The bill passed the House PreK-12 Quality Subcommittee favorably.

House Education Committee - Chair Representative Jennifer Sullivan

HB 1171 by Rep. Grall related to Parental Rights

The bill creates Chapter 1014, Florida Statutes, as the "Parents' Bill of Rights." Chapter 1014, F.S., enumerates rights of a parent with respect to his or her minor child for education, health care and criminal justice procedures. The bill prohibits the state, its political subdivision, any other governmental entity or any other institution from infringing upon the fundamental right of a parent to direct the upbringing, education, health care and mental health of his or her minor child. The bill requires state action that infringes upon this fundamental right to be reviewed according to strict scrutiny.

For education-related parental rights, the Florida K-20 Education Code currently includes Section 1002.20, F.S., relating to K-12 Student and Parents Rights. This section enumerates 24 rights of students and parents, most of which are duplicated in the bill. The bill requires school districts to adopt policies that govern the plans and procedures by which each school district shall promote parental involvement. And the bill requires school districts to adopt notification procedures for specific parental rights.

The bill establishes parental consent requirements for health care purposes and provides for disciplinary action against health care practitioners who do violate parental consent in certain instances.

The bill establishes parental consent requirements for, among other things, the collection of certain identifying information for a minor child. The bill requires parental notification when a state actor suspects a child is the victim of a criminal offense but provides exceptions including when a suspected offense has been reported to law enforcement or the Department of Children and Families.

The bill passed the House Education Committee favorably.

HB 741 by Rep. Fine related to Anti-Semitism

The bill amends the Florida Educational Equity Act (FEEA) by adding religion as a protected class with regard to discrimination against students and employees in the Florida K-20 public education system.

The bill requires all public K-20 educational institutions to treat discrimination, motivated by anti-Semitic intent, by students or employees or resulting from institutional policies in an identical manner to discrimination motivated by race.

The bill adds to current law a definition of anti-Semitism similar to the definition adopted by the U.S. Department of Education, Office of Civil Rights. Specifically, the term "anti-Semitism" would include a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities.

The bill adds to Florida law examples of what classifies as anti-Semitism including those related to Jewish people generally and the State of Israel.

The bill includes legislative intent stating that the newly-enacted law governing anti-Semitism does not diminish or infringe upon any right protected under the First Amendment to the United States Constitution, or the Florida Constitution. The bill prohibits construction of the law in conflict with federal or state discrimination laws.

The bill passed the House Education Committee favorably.

EDC2 by Education Committee related to School Safety

The bill makes several changes relating to school safety.

Office of Safe Schools

The bill requires the Office to include data from Fortify Florida and SESIR in the centralized data repository and revises the date the repository must be available from December 1, 2018 to August 1, 2019. The Office must also provide access to data to support evaluation of mental health services by the Louis de la Parte Florida Mental Health Institute at the University of South Florida whose purpose is to strengthen mental health services throughout the state.

The bill codifies SESIR by requiring the Office to collect school safety and discipline data for incidents that occur on school grounds, on school transportation, and at off-campus, school-sponsored events, which are committed by students, non-students, or if the offender is unknown. The Office must monitor compliance and report any violation to the Commissioner of Education for review by the Education Practices Commission (EPC). The bill authorizes the EPC to fine school board members, superintendents, and school personnel for noncompliance with requirements of the Office.

The bill requires the Office to identify the types of schools and campuses that must comply with the requirements for school safety and safe-school officers and make the FSSAT available for use by charter schools. Charter schools must comply with the requirements to conduct emergency drills, establish threat assessment teams, and provide mental health assistance. The bill requires each district school board to adopt policies and procedures for and conduct active shooter and hostage situations drills in compliance with the requirements of the Office.

These drills must be conducted in accordance with the requirements of the Office, instead of as often as other drills.

Safe- School Officers

The bill requires the Criminal Justice Standards and Training Commission (CJSTC) within the Florida Department of Law Enforcement (FDLE) to adopt the training and skills necessary to become a school guardian and allows, in addition to sheriffs, law enforcement academies and school districts that employ school resource officers to offer the training.

The bill eliminates the obsolete use of the term “school safety officers” which are equivalent to school resource officers and clarifies that school resource officers may be employed by a law enforcement agency or a school district. The bill authorizes district school boards, charter school boards, and private school boards to employ or contact for employment, school guardians to aid in the prevention or abatement of active assailant incidents on school premises, and in the support of school-sanctioned activities and the bill removes the limitation on who may serve as school guardians.

Student Discipline and School Safety

The bill clarifies the requirement to disclose mental health referrals by limiting such disclosure to instances that are related to a previous school expulsion, arrest resulting in a charge, or a DJJ action.

The bill removes the requirement that the school safety specialist must be a school administrator thereby allowing school districts to determine the appropriate individual to serve as the specialist. The school safety specialist must conduct an annual school security risk assessment at each district public school, using the FSSAT, in collaboration with law enforcement, firefighting, medical, and other emergency services public safety agencies. The school safety specialist must provide recommendations to the school board to address the FSSAT findings to improve school safety and security.

The school safety specialist is responsible for compliance with the requirement that school districts report all school district student discipline and school safety incidents on time and accurately to DOE.

Each school principal must designate school personnel who may declare an emergency in response to any incident that threatens school safety and who must contact the primary emergency response agency in accordance with the emergency response policy of the school district.

Each district school board’s threat assessment team policy must include procedures for conducting standardized threat assessments using the threat assessment instrument developed by Office. The school district must provide members of the team with school and district level data and data from the centralized data repository. The bill authorizes the threat assessment team to obtain criminal history record information based on the county interagency juvenile offender information sharing agreement.

Students that are referred for mental health assistance must be screened or assessed within 45 days of such referral and school-based intervention must begin within 30 days of the screening or assessment and continue until the student receives community-based care, where appropriate. When a student transfers to another school, the team must verify that any

intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

Zero Tolerance for Crime and Victimization

The bill clarifies that petty acts of misconduct are not subject to zero tolerance. The bill repeals the discretion to consult with law enforcement by requiring consultation for misdemeanors and acts that pose a threat to school safety.

The bill was amended to clarify that an individual may not serve as a school guardian in a school unless the individual is appointed by the superintendent or in a charter school unless the individual is appointed by the charter school governing board.

The proposal passed the committee favorably and was filed as HB 7093.

The 4th week of the 2019 regular legislative session reconvenes on Monday, March 25th.

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.