

## MEMORANDUM

January 21, 2020

**TO:** The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

**FROM:** Alberto M. Carvalho, Superintendent of Schools

**SUBJECT: 2020 LEGISLATIVE SESSION UPDATE – WEEK #1**

The Florida Legislature began the 2020 legislative session on Tuesday, January 14, 2020. During the opening session, the presiding officers addressed their respective chambers and outlined their priorities. Senate President Galvano focused his comments on member decorum while Speaker Oliva clearly articulated his priorities for his last session. The Speaker clearly noted “substantial, equitable, and sustainable teacher salaries” as one of his priorities. Later in a joint session of the Legislature, the Governor addressed the members of the Florida Legislature and outlined his priorities.

The Governor recognized Commissioner of Education Richard Corcoran for his efforts in launching an initiative to make Florida the nation’s leader in workforce education by 2030. He highlighted vocational education and apprenticeship programs, specifically recognizing Miami-Dade County Public Schools for providing opportunities for students to graduate with industry certification in fields like electrical and HVAC.

The Governor also reiterated his goals of recruiting and retaining great teachers, promoting educational choice for parents, and accountability. The Governor touted the need to increase minimum teacher salaries to \$47,500, bringing Florida from the bottom half of states to number two in the nation, to encourage college graduates to enter the teaching profession and retain quality teachers. He also brought up the work undertaken by the Commissioner of Education and the Florida Department of Education (FDOE) to revamp the Florida Standards, noting they will be unveiling a replacement of Common Core. He urged the Legislature to focus on strong standards, high-quality curriculum, and streamlined testing and re-emphasized American civics and the U.S. Constitution.

Florida legislators will have slightly more money to develop a budget for the 2020-2021 fiscal year than originally expected. As the 2020 session kicked off, the state economists have revised their revenue projections, increasing this current fiscal year’s revenues by \$306 million and next year’s, 2020-2021, by \$86 million. The change is less than one percent in each of the two years and is attributed to actual revenue collections that are above estimates for the first half of the fiscal year.

The Senate Education Appropriations Subcommittee did not meet this past week. The House Education Appropriations Subcommittee passed HB 641 sponsored by Representative Rene Plasencia. The bill provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an AP Capstone Diploma in addition to a standard high school diploma.

Chairman Chris Latvala provided an overview of the House’s PreK-12 proposed base budget. The House of Representatives is going through its annual exercise of identifying

areas to reduce, eliminate, and reprioritize. To that end, the Chair identified a total of \$520 million for reduction as follows:

- Declining Enrollment Supplement - \$8.1 million;
- Virtual Education Contribution - \$2.2 million;
- Digital Classrooms Allocation - \$20 million;
- Best and Brightest Teachers and Principals Allocation - \$284.5 million;
- Supplemental Academic Instruction Allocation - \$150 million;
- Funding Compression Allocation - \$54.2 million; and
- Schools of Hope Program - \$23.1 million

Chairman Latvala reprioritized those dollars as follows:

- Base Student Allocation (BSA) - \$462.6 million for classroom teacher salaries;
- Mental Health Assistance Allocation - \$25 million (this is the increase the Governor recommended for Mental Health);
- Turnaround Supplemental Services Allocation - \$32.4 million;
- Increasing Voluntary Pre-Kindergarten (VPK) base student allocation - \$1.8 million; and
- Eliminating the Gardiner Scholarship Program - \$13.2 million

The Senate Education Committee met and passed several bills as summarized below.

- SB 62, sponsored by Senator Kelli Stargel, establishes an additional requirement for a resolution that is required for voters to approve the levy of a discretionary sales surtax at a rate that may not exceed 0.5 percent. Such resolution must include a statement that the revenues collected shall be shared with charter schools based on their proportionate share of the total school district enrollment. The bill also requires that charter schools expend the surtax funds in a manner consistent with the plan specified in law that requires the school board set forth a surtax fund plan for fixed capital expenditures or fixed capital costs.

SB 62 also renames the “collegiate high school” program to the “early college” program and modifies a number of provisions related to education funding. The bill expands FEFP funding for secondary student access to advanced coursework through dual enrollment and early college programs; provides bonus full-time equivalent (FTE) funding to public school districts for each dual enrollment general education core course with an earned grade of “C” or better; requires school districts to allocate at least 50 percent of the bonus funds for dual enrollment and early college programs to the schools that generated the funds to support academic guidance and postsecondary related activities; and removes the July 1, 2020 expiration date for the funding compression allocation within the FEFP.

- SB 536, sponsored by Senator Manny Diaz, establishes the High-Performing Charter School Council, appointed by the Commissioner of Education, to review charter school applications submitted by high-performing charter schools and by high-performing charter school systems and recommend approval or denial to the State Board of Education (SBE). Approval by the SBE requires development of a charter between the sponsor and the applicant.

- SB 836, sponsored by Senator David Simmons, provides for school districts to receive additional funding through the FEFP for each student who receives an Advanced Placement (AP) Capstone Diploma and meets the requirements for a standard high school diploma. The bill requires that a value of 0.3 full-time equivalent (FTE) student membership be calculated for each student who receives an AP Capstone Diploma. Such value must be added to the total FTE in basic programs for grades 9 through 12 in the subsequent fiscal year. In effect, the bill provides the same additional FTE funding for each student who receives an AP Capstone Diploma as a student who receives an International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) diploma.
- SB 1088, also sponsored by Senator Diaz, establishes a new teacher salary enhancement operating categorical fund to increase teacher salaries as prescribed by the Legislature annually in the General Appropriations Act (GAA). In addition to establishing this new operating categorical fund, the bill: requires each school district to use the appropriated funds to increase teacher salaries as prescribed by the Legislature in the GAA; requires funds provided in the teacher salary enhancement allocation to move into the FEFP BSA in the subsequent fiscal year; allows a school district that meets the teacher salary enhancement requirements specified in the GAA to use any additional funds provided in the allocation for any district operating expenditure; and requires each school district to report to the FDOE the amount expended for teacher salary increases and the amount expended for any other operating expenditures by January 1 of any fiscal year in which the teacher salary enhancement is appropriated.
- SB 1164, sponsored by Senator Keith Perry, revises eligibility requirements for the Gardiner Scholarship Program (scholarship). Specifically, the bill: allows a student with a disability who turns 3 years of age after September 1 to be determined eligible for the scholarship; provides that scholarship funds may be spent for tuition and fees associated with programs relating to art, music, or theater in which the instructor meets specified criteria; and clarifies the conditions under which a student's account must be closed and funds revert to the state.
- SB 1218, also sponsored by Senator Diaz, enhances student safety by extending requirements related to bullying and harassment policies in public schools to private schools participating in a state educational scholarship program (private scholarship schools). The bill also requires private scholarship schools to meet with a student and his or her parent or guardian prior to enrollment to review information about the private scholarship school and publish on the school's website and provide in a written format information regarding the school, including the code of student conduct, ethical conduct policies, and bullying and harassment policies.

The Senate Governmental Oversight and Accountability Committee met and passed several bills as summarized below.

- SB 506, sponsored by Senator Perry, amends the definition of "continuing contract" under the Consultants' Competitive Negotiation Act (CCNA) to increase the maximum dollar amount for each individual project and each individual study under the contract for construction projects. The maximum dollar amount for each individual project is

increased from \$2 million to \$5 million, and the maximum dollar amount for each individual study is increased from \$200,000 to \$500,000.

The bill makes conforming revisions to s. 255.103(4), F.S. (authorizing local governmental entities to use the CCNA selection process), increasing the maximum dollar amount for continuing contracts of local governments from \$2 million to \$5 million. The companion bill, HB 44, sponsored by Representative Nick DiCeglie, was heard in the House Government Operations and Technology Appropriations Subcommittee and passed.

- SB 1050, sponsored by Senator Diaz, amends s. 110.120(3), F.S., to provide that a leave of absence with pay to serve as a volunteer may be granted for no more than 120 working hours (equivalent to 15 8-hour days) in any 12-month period. The bill requires that the request for leave be made by the employee and that the employee's employing agency must verify the employee's volunteer status prior to granting such leave for services related to a disaster within Florida. The approval of the head of the employing agency is required for any leave where the employee is providing volunteer services related to disasters occurring outside the boundaries of this state but within the states or territories of the United States.

The bill requires an employee granted leave to attest to his or her employing agency that he or she has completed his or her volunteer service for a disaster, and to specify the period of time for which he or she served as a volunteer for that event and a description of the disaster response or recovery services that the employee provided.

The Senate Community Affairs Committee met and passed several bills, including:

- SB 566, sponsored by Senator Randolph Bracy, "Creates a Respectful and Open World for Natural Hair Act," or "CROWN Act," and amends various provisions of the Florida Statutes to provide civil protections against discrimination based on any trait historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles in the areas of employment, housing, and education. The bill defines "protective hairstyle" as including, but not limited to, hairstyles such as braids, locks, or twists.

The Senate Infrastructure and Security Committee met and passed several bills, including:

- SB 70, sponsored by Senator Lauren Book, creates a new section of law, (1013.373, F.S.) "Alyssa's Law." The bill: defines "panic alarm" to mean a security system signal generated by the manual activation of a device or an alternative mechanism intended to communicate a life-threatening or emergency situation that requires a response from law enforcement; defines "public school building" to include all buildings on a public elementary, middle, or high school campus where instruction takes place or where students are present during the school day; and requires each public school to be equipped with a panic alarm system for use in a school security emergency, including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation. The panic alarm system must be accessible to administrators, teachers, staff, and other designated personnel at all locations on the school grounds and

provide permanently installed alert indicators located at indoor and outdoor locations. The panic alarm system must be directly linked to the main office at the school and to local law enforcement agencies that are designated as first responders to the school's campus, and the system must immediately transmit a signal or message to those authorities upon activation.

- SB 788, also sponsored by Senator Book, creates s. 943.688, F.S., requiring the Florida Department of Law Enforcement (FDLE), in consultation with law enforcement agencies throughout the state and considering the unique needs of different geographic regions where those agencies are located, to establish a uniform statewide rule on minimum standards and requirements for how each law enforcement agency in the state must prepare and respond to active shooter situations within their jurisdictions. At a minimum, the uniform statewide rule must address the following: procedures for how to respond to a report of an alleged active shooter; procedures for how communications and notifications will be handled with all affected parties and the media; procedures indicating who from the appropriate law enforcement agency will respond and how they will do so, including having a designated person and an alternate person who have been trained or certified on how to handle active shooter situations; and primary and alternate routes to potential targets within each law enforcement agency's jurisdiction.

Each law enforcement agency in the state will be required to enact a policy or rule on active shooter preparedness and response no later than January 1, 2021. At a minimum, each such policy or rule must include the uniform statewide rule adopted by the FDLE. The bill also requires the FDLE to adopt rules to administer statewide active shooter response planning.

The House PreK-12 Education Appropriations Subcommittee met and passed several member appropriations requests, including HB 4987 sponsored by Representative Vance Aloupis related to a \$1 million appropriation request for the Miami Palmetto Senior High School athletic field.

The Senate Rules Committee met and passed several bills, including:

- C/S SB 356, Keep Our Graduates Working Act, sponsored by Senator Travis Hutson, removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a student loan or who fails to comply with the terms of a service scholarship. The bill passed its final committee in the Florida Senate and has been placed on the Senate Calendar on second reading.
- SB 596 and SB 598 both repeal bills sponsored by Senator Lizbeth Benacquisto.

The House Education K-12 Innovation Subcommittee met and passed several bills, including:

- HB 523, sponsored by Representative DiCeglie, renames the Competency-Based Education Program Pilot (CBEPP) as the Mastery-Based Education Program (MBEP) and expands the option to participate in the MBEP to all lab schools and public school districts. The bill authorizes participants in the MBEP 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. A 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.

Additionally, 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 through 12, but participating districts must continue to use the established four-point scale for calculating a student's grade-point average.

The bill also 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 953, sponsored by Representative Stan McClain, authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools upon approval by the FDOE. A state university or FCS institution may, at its discretion, deny an application for a charter school. The bill provides that a state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands. Additionally, a FCS institution-sponsored charter may exist in any county within its service area to meet workforce demands; however, a charter school currently operated by a FCS institution is not eligible to be sponsored by a FCS institution until its existing charter with the school district expires. A FCS institution-sponsored charter may offer postsecondary programs leading to industry certifications for eligible charter school students.
- HB 957, sponsored by Representative Jason Shoaf, specifies that a high school student may be included in the college and career acceleration component of the school grades calculation if he or she was eligible to earn 300 or more clock hours through career dual enrollment courses that are identified by the SBE. High schools will be able to include in their college and career acceleration school grades component students who complete the 300 clock hours requirement but do not earn college credit through an AP, IB, AICE, college credit-bearing dual enrollment course, or do not earn a CAPE industry certification.
- HB 7011, a committee bill, requires the Florida High School Athletics Association to make training and resources available to each member school for the appropriate environment monitoring procedures using WetBulb Globe Temperature (WBGT) and heat index levels; establish WBGT and heat index levels at which a school must implement a cooling zone for each outdoor athletic contest, practice, workout, or conditioning session; require member schools to use environment monitoring and modify athletic activities, including suspending or moving activities, based on WBGT and heat index levels; establish hydration guidelines, including appropriate introduction of electrolytes after extended activities or when there are multiple

activities in a day; establish requirements for cooling zones at athletic activities, including, at a minimum, the immediate availability of cold water immersion tubs or equivalent materials to rapidly cool internal body temperature when a student exhibits symptoms of External Heat Stroke (EHS) and the presence of an employee or volunteer trained to implement cold water immersion; require each school's emergency action plan to include a procedure for onsite cooling using cold water immersion or its equivalent before a student is transported to a hospital for EHS; and notify member schools in writing within 30 days if it does not adopt a policy change as recommended by the Sports Medicine Advisory Committee (SMAC) and the rationale for not adopting the policy recommendation.

The bill specifies that these requirements apply during and outside of the school year. It also specifies that the requirement that a student complete an annual medical evaluation before participating in any athletic activity applies to conditioning and to activities that take place outside of the school year.

Additionally, the bill requires all athletic coaches and sponsors of extracurricular activities involving outdoor practices or events to complete annual training in EHS identification, prevention, and response, including effective administration of cooling zones.

Beginning June 1, 2021, the bill requires an employee or volunteer with current cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) training to be present at each athletic event during and outside of the school year, including practices, workouts, and conditioning sessions. All employees or volunteers who are reasonably expected to use an AED must complete training and must be notified annually of the location of each AED on school grounds. Additionally, the bill requires each school's AED to be available in a clearly marked and publicized location for each athletic contest, practice, workout, or conditioning session, including those conducted outside of the school year.

The House Health Care Appropriations Subcommittee met and passed numerous bills, including:

- HB 81, sponsored by Representative Robert Alexander Andrade, relates to Medicaid school-based services. The bill removes the requirement that Medicaid recipients receiving services through the Florida Medicaid Certified School Match Program qualify for Part B or H of the Individuals with Disabilities Education Act (IDEA), or for exceptional student services, or have an Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP). The change to Florida law reflects federal regulations allowing the provision of Medicaid school health services to the general population of Medicaid-eligible students.
- HB 575, sponsored by Representative Rene Plasencia, exempts group practices that provide Applied Behavioral Analysis (ABA) services from licensure under the Health Care Clinic Act. The bill also amends Florida Statutes 1003.572 to add paraprofessionals who practice under the supervision of either certified behavioral analysts or professionals licensed under Florida Statutes 490 and 491 to the list of private instructional personnel who may provide ABA services in the classroom

setting. This change would allow Registered Behavior Technicians (RBT) and other behavioral assistants to provide ABA services to students in a public K-12 school.

The House Local, Federal & Veterans Affairs Subcommittee met and passed several bills, including:

- HB 637, sponsored by Representative DiCeglie, makes impact fee credits assignable and transferable from one development or parcel to another within the same impact fee jurisdiction for the same type of public facility to which the fee applies. Local governments must provide impact fee credits or other forms of compensation where a contribution is greater in value than the applicable impact fee.

The bill requires each county or municipality assessing impact fees to establish an Impact Fee Review Committee composed of seven full-time members and three alternate members. The Committee shall: establish policy and methodology for determining impact fees on new developments; review proposed impact fees on each new development before the fee becomes final; submit recommendations to the county or city commission at the meeting at which the impact fee on the new development will be discussed and voted on; and review all proposed expenditures of the impact fee after adoption by the local government to ensure that the fee is used for capital projects within the jurisdiction.

- HB 661, sponsored by Representative Wengay Newton, requires each Children's Service Council (CSC) to include performance data in its annual report, including: percentage and total number of mothers who received or are receiving prenatal care through programs sponsored or supported by the CSC; percentage of infants born with a low birth weight; total number of infants born with a low birth weight whose mothers received or are receiving prenatal care through programs sponsored or supported by the CSC; rate of infant deaths per 1,000 live births; percentage of children under the age of 18 living in households whose income levels are below 100 percent of the federal poverty level; rate of teen alcohol use; rate of teen drug use; rate of juvenile arrests; rate of pregnancies among females under the age of 18; percentage of students who performed or are performing at or above grade level on standardized tests; and high school graduation rates. The bill requires each CSC to file a monthly financial report with the governing body of the county and would require the report to itemize expenditures and receipts.

The House Health Quality Subcommittee heard HB 6031, sponsored by Representative Cary Pigman, related to Florida Kidcare Program. The bill deletes the \$1 million lifetime coverage limit that currently applies to each child enrolled in the Florida Healthy Kids program. With this change, no child would be removed from coverage eligibility by virtue of accumulating benefit claims that exceed a dollar amount threshold.

The Higher Education Appropriations Subcommittee heard and passed. Several bills, including: HB 725, sponsored by Representative William Robinson. The bill amends Florida Statutes 1011.80 to allow school district career centers, which have a workforce education program, to award Associate in Applied Science or Associate of Science in Nursing degrees. These degrees can only be awarded to graduates of the center's

licensed practical nurse program. The Senate companion bill, SB 418, is sponsored by Senator Diaz.

- HB 945, sponsored by Representative Silvers, creates a coordinated system of care, the development of which is facilitated by each behavioral health managing entity, which integrates services provided through providers funded by the state's child-serving systems, as well as other systems for which children and adolescents would qualify, and facilitates access by children and adolescents to needed mental health treatment and services at any point of entry. The bill includes crisis response services provided through mobile response teams (MRT) in the array of services available to children and adolescents who are members of certain target populations and specifies the elements of that service.

The bill revises the required provisions of the plans required for school district funding under the Mental Health Assistance allocation, such as to require a memorandum of understanding with the local managing entity and policies and procedures for referrals for other household members to services available through other delivery systems under certain circumstances. It requires the development and use of a model protocol regarding use of MRTs in schools.

The bill also requires the Department of Children and Families (DCF) and the Agency for Health Care Administration (AHCA) to identify children and adolescents who are the highest users of crisis stabilization services, collaboratively take action to meet the behavioral health needs of such children, and submit a joint quarterly report during Fiscal Years 2020-2022 to the Legislature. The bill also requires DCF and AHCA to assess the quality of care provided in crisis stabilization units to children and adolescents who are high utilizers of such services and submit a joint report to the Governor and Legislature.

Additionally, the bill requires the AHCA to continually test the managed care plan provider network databases to ensure that behavioral health providers are accepting enrollees and confirm that enrollees have access to behavioral health systems.

If you have any questions or wish to schedule a briefing, please contact Ms. Iraida R. Mendez-Cartaya, Associate Superintendent, Office of Intergovernmental Affairs, Grants Administration, and Community Engagement, at 305 995-2532.

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cc: School Board Attorney  
Superintendent's Cabinet