

MEMORANDUM

January 29, 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 #2

The Florida Legislature met for its second week of the 2020 Legislative Session January 20-24.

The Florida School Boards Association and the Greater Florida Consortium of School Boards (GFCSB) met in Tallahassee, Florida. GFCSB school board members held meetings with Senators Oscar Braynon, Jeff Brandes, Gary Farmer, Anitere Flores, Kathleen Passidomo, and Jason Pizzo and Representatives Vance Aloupis, Bryan Donalds, Joseph Geller, and Patricia Williams. Additionally, key Florida Department of Education (FDOE) staff, K-12 Chancellor Jacob Oliva and Shan Goff, Director of Early Childhood Education, discussed the department's legislative priorities.

Keeping with a campaign promise, Governor Ron DeSantis and Commissioner of Education Richard Corcoran announced that the FDOE has completed the review of Florida's current K-12 academic standards for English Language Arts and Mathematics and are proposing changes. Those changes have not been made public yet. The new standards will be named Florida's Benchmarks for Excellent Student Thinking (BEST) and will be unveiled in the upcoming week.

The Senate Judiciary Committee met and heard several bills, including SB 1302 sponsored by Senator Flores, which increases the threshold for sovereign immunity. SB 1302 was amended to increase the per-occurrence limit on the collectability of judgments against government entities from \$300,000 to \$500,000 and eliminate the \$200,000 per claimant limit. These new limits will apply to lawsuits that have not been adjudicated before the effective date of the bill, October 1, 2020.

The bill further allows government entities to settle claims in any amount without the approval of a claim bill by the Legislature. In contrast, current law allows government entities to settle and pay amounts exceeding the sovereign immunity caps only to the extent of insurance coverage. Otherwise, current law requires that the payment of the portion of a claim or judgment exceeding the sovereign immunity caps be approved by the Legislature in a claim bill.

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

- SB 132, sponsored by Senator Braynon, relates to establishing the Sunshine Scholarship Program. The program would be administered by the FDOE to provide funding for 100 percent of tuition and fees for Florida residents pursuing an associate degree or career certificate from a Florida College System (FCS) institution or a career

center. The bill specifies that a student must repay the awarded amount if the student does not reside and work within the state for a specified period after program completion or disenrollment.

In order to be eligible to receive a scholarship, a student must: be a resident for tuition purposes; meet the general requirements for student eligibility; have a total annual household income equal to or less than \$50,000; complete the Free Application for Federal Student Aid (FAFSA) for each academic year in which the scholarship is sought; be accepted by and enroll in an eligible postsecondary institution; and maintain continuous enrollment as a full-time student while receiving the scholarship.

The bill requires that a student maintain the equivalent of a cumulative grade point average of 2.5 on a 4.0 scale while enrolled in order to remain eligible for the scholarship. The scholarship applies only to tuition and fees, with each recipient responsible for additional user fees, textbooks, and other college-related expenses.

- SB 754, sponsored by Senator Dennis Baxley, relates to school crossing guards. The bill authorizes alternate training requirements for school crossing guards employed by a private school. The bill authorizes the local county sheriff to approve a private school crossing guard at specified locations if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission (CJST) or a similar program offered by the police or sheriff's department within the county.

The bill also provides that a school crossing guard, who completes the required instruction in traffic control procedures and is approved by the local sheriff, may perform his or her duties without the immediate supervision of a fully qualified law enforcement officer and is not required to meet the uniform minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.

- SB 866, sponsored by Senator Manny Diaz, requires the Florida Talent Development Council (FTDC) to submit a report with recommendations addressing the feasibility of establishing and implementing a Pathways in Technology Early College High School (P-TECH) or similar program in Florida. The report must be submitted to the Governor, President of the Senate, Speaker of the House of Representatives, Board of Governors, and State Board of Education (SBE) by December 1, 2020.

The report must include, at minimum, recommendations regarding the following: a recommended school model for students to earn a high school diploma, an associate degree, and applicable industry certifications and work experience within 6 years of enrolling in 9th grade; a funding model that ensures the P-TECH program is no cost to students; modification to the school and district accountability requirements; an open enrollment policy that encourages a diverse student body; courses of study that support program completion in 4-6 years and meet regional workforce demand; school governance and staffing recommendations; timelines and additional funding requirements for planning and launching a P-TECH school; seamless articulation with

Florida post-secondary institutions; partnerships with industry and business to include private investment, work-based training, internships, and first-in-line job opportunities upon graduation; and a support model for student success.

- SB 1220, also sponsored by Senator Diaz, provides additional educational and professional growth opportunities for students and teachers. The bill modifies provisions related to educator preparation programs, subject area mastery, and renewal of educator certificates, the Education Practices Commission (EPC), and teacher professional development. Specifically, the bill:
 - ✓ Modifies admissions, core curricula, and instructional requirements for initial teacher preparation (ITP) and educator preparation institute (EPI) programs;
 - ✓ Modifies educator certification requirements to authorize an additional option to demonstrate mastery of subject area competence to include a bachelor's degree in the subject area, with conditions;
 - ✓ Modifies school district professional development (PD) systems and creates new PD opportunities by requiring districts to calculate a proportional share of PD funds for each teacher, and specifies that each teacher may use up to 25 percent of that share for specified PD; requiring the DOE and school districts to create an annual and five-year model calendar of state-mandated PD; requiring the DOE to maintain a statewide registry of approved professional development providers; creating the Professional Development Choice Pilot Program, subject to appropriation, to allow a teacher to receive a grant of up to \$500 for PD aligned to standards; and Creating the Professional Education Excellence Resources (PEER) Pilot Program in Clay, Pinellas, and Walton Counties to allow a teacher extended time for PD, teacher collaboration, and teacher leadership opportunities; and
 - ✓ Modifies the eligibility requirements of the Family Empowerment Scholarship (FES) and the Florida Tax Credit (FTC) scholarship by expanding FES eligibility to a student who received an FTC scholarship in the prior year and was in a public school the year prior to initial receipt of the FTC scholarship; aligning the FES and FTC scholarship eligibility by allowing an FES scholarship student to participate in no more than two courses from a virtual school or related program; and providing that the FES is not subject to the maximum funding limit; and increasing FTC scholarship income eligibility threshold to 300 percent of the federal poverty level.
- SB 918, sponsored by Senator Jeff Brandes, authorizes the development and integration of a nonpartisan civic literacy practicum and the designation of a public school providing high-quality civic learning as a Freedom School. Specifically, the bill requires the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum that may be incorporated into a school's curriculum for the high school United States Government course, along with a process for district school boards to verify student completion of the practicum. The bill requires school districts to include and accept nonpartisan civic literacy practicum activities and hours in requirements for academic awards. The SBE must annually designate each public school in the state which provides students with high-quality civic learning, based on specified criteria, as a Freedom School.
- SB 1426, sponsored by Senator Kelli Stargel, modifies dual enrollment and collegiate high school programs. Specifically, the bill:

- ✓ Modifies the dual enrollment program to increase access for students by prohibiting school districts or Florida College System institutions from denying an eligible student from participating in dual enrollment and establish eligibility criteria in addition to those in law;
 - ✓ Clarifies that instructional materials are free-of-charge for students in private schools and home education programs;
 - ✓ Provides that private schools are exempt from the payment of tuition and fees for dual enrollment;
 - ✓ Renames the “collegiate high school” to “early college” program and specifies requirements in the program contract and student performance contract;
 - ✓ Establishes funding and financial incentives for school districts and postsecondary institutions by creating the Dual Enrollment Scholarship Program in the FDOE to reimburse eligible postsecondary institutions a specified amount for tuition and instructional materials for dual enrollment taken by private school and home education program students in the fall and spring term, and by all students in the summer term, subject to appropriation in the General Appropriations Act;
 - ✓ Provides a full-time equivalent (FTE) student membership bonus in the Florida Education Finance Program (FEFP) for students who complete general education core courses or an associate degree through dual enrollment and requires school districts to allocate half of such funds to support academic guidance and postsecondary readiness; and
 - ✓ Establishes a requirement for the Commissioner of Education to report to the Governor and Legislature on the status of dual enrollment programs for public and private school and home education program students.
- SB 1420, sponsored by Senator Anitere Flores, revises provisions regarding charter school applications, employee and board member criminal history checks, and virtual instruction programs. Specifically, the bill requires a sponsor to receive and consider a charter school application submitted at any time during the calendar year. The bill also provides that a high-performing charter school may submit two applications to establish a new charter school to be opened at a time determined by the high-performing charter school, with conditions. The bill also authorizes a virtual charter school to provide part-time virtual instruction and contract with any public or charter school to provide any course the virtual school cannot otherwise provide.
 - SB 7040, a proposed committee bill, makes changes to the Marjory Stoneman Douglas High School Public Safety Act by adding some of the recommendations from the Marjory Stoneman Douglas High School Public Safety Commission (Commission) and the recently issued grand jury report. The bill requires:
 - ✓ Each district school board to adopt a school district emergency event family reunification plan to reunite students and employees with their families in the event of an emergency;
 - ✓ The SBE to establish emergency drill policies and procedures;
 - ✓ Law enforcement officers responsible for responding to the school in the event of an emergency to be on campus and directly involved in the execution of emergency drills;
 - ✓ Alignment of school-based diversion programs with local judicial circuit diversion programs;

- ✓ Each district school board to adopt policies to ensure the accurate and timely reporting of all school safety and discipline incidents;
- ✓ The Office of Safe Schools (OSS) to include in school safety specialist training information about federal and state reporting and data privacy laws;
- ✓ Enhances the safe school officer position and the role of the county sheriff by: requiring school safety officers to complete mental health crisis intervention training; expanding the power of school safety officers to make arrests on property owned or leased by a charter school in the district; and making the sheriff responsible for the provision of Feis guardian training and clarifying the training requirements applicable to such training;
- ✓ School mental health coordination and implementation by requiring the creation of a workgroup to provide guidance on the implementation of mental health-related recommendations of the Commission;
- ✓ Additional reporting requirements for the Mental Health Assistance Allocation;
- ✓ The Commissioner of Education to provide oversight and accountability over school safety by directing the enforcement of compliance with all school safety requirements;
- ✓ OSS to coordinate compliance with school safety incident reporting; and
- ✓ The representation on the Commission to include superintendents, principals, or teachers.

The Senate Governmental Oversight and Accountability Committee heard and passed several bills, including SB 7044, which relates to the state-administered retirement system. The bill establishes the contribution rates paid by employers participating in the Florida Retirement System (FRS) beginning July 1, 2020. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With the increases to employer contribution rates, the FRS Trust Fund will receive roughly \$404.5 million more in revenue on an annual basis beginning July 1, 2020. The public employers that will incur these additional costs are state agencies, state universities and colleges, school districts, counties, municipalities, and other governmental entities that participate in the FRS.

The House PreK-12 Innovation Subcommittee heard and passed several bills, including:

- HB 23, sponsored by Representative Michael Gottlieb and others, creates “Alyssa’s Law,” which requires each public elementary, middle, and high school campus, including charter schools, to have a panic alarm for use in life-threatening emergency situations, such as active shooter and hostage situations, beginning with the 2021-2022 school year. School employees must be able to activate the alarm from any building or location on campus. The bill requires that an activated panic alarm immediately transmit a signal or message reporting a life-threatening emergency situation to a public safety answering point that receives 911 calls and dispatches the appropriate public safety agencies.
- HB 157, sponsored by Representative Anthony Sabatini, proposes an amendment to the Florida Constitution that would prohibit a school board member from appearing on a ballot for reelection if, by the end of his or her current term of office, the member will have served, or would have served if not for resignation, in that office for eight

consecutive years. The proposed limitation would apply only to terms of office beginning on or after November 3, 2020, and is prospective so that school board members reelected to a consecutive term in 2020 could serve another consecutive eight years before reaching the term limit. Article XI, Section 1 of the Florida Constitution requires a joint resolution proposing a constitutional amendment be passed by three-fifths of the membership of each legislative chamber to be placed on the ballot. Additionally, Article XI, Section 5 of the Florida Constitution requires a proposed constitutional amendment be approved by at least 60 percent of those voting on the measure at a general election to amend the Florida Constitution.

- HB 883, sponsored by Representative Wyman Duggan, requires the FDOE to maintain a disqualification list (DQ list) that includes the following: the identity of any person who has been permanently denied a certificate or whose educator certificate was permanently revoked and has been placed on the list as directed by the Education Practices Commission (EPC); the identity of any person who has been permanently disqualified by the Commissioner of Education (Commissioner) as an owner or operator of a private school participating in a state scholarship program; the identity of any person who has been terminated, or has resigned in lieu of termination, from employment as a result of sexual misconduct with a student; and the identity of any person who has been disqualified from employment due to a felony conviction for a disqualifying offense under s. 1012.315.

The bill:

- ✓ Prohibits certificated and non-certificated instructional and administrative personnel from employment in any position that requires direct contact with students in a district school system, charter school, or a private school participating in a state scholarship program if that individual is on the DQ list or is registered as a sex offender;
- ✓ Prohibits educational entities, including a charter school's governing board, from employing a certificated or non-certificated individual if he or she was previously terminated or resigned in lieu of termination for sexual misconduct with a student;
- ✓ Creates a duty for the employing entity to report the employee and the disqualifying circumstance to the DOE for inclusion on the DQ list if the prohibited conduct occurs while employed;
- ✓ Specifies that this requirement does not create a duty for the DOE to investigate non-certificated employees;
- ✓ Provides a process for removing an individual from the DQ list if a completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt, and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in no finding that the person committed disqualifying conduct;
- ✓ Requires the SBE to adopt rules to implement the DQ list and the removal process;
- ✓ Adds the DQ list to the employment screening tools available to authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program;

- ✓ Prohibits the DOE from issuing a new certificate to a person whose educator certificate has expired if he or she committed an act that is the basis for a legally sufficient complaint while that person possessed an educator certificate;
- ✓ Creates a duty on the DOE to place the person on the DQ list upon receiving a notification from a public school, charter school or its governing board, or private school participating in a state scholarship program that the person is the subject of an investigation of misconduct affecting the health, safety, or welfare of a student and has resigned or was terminated before the conclusion of the investigation;
- ✓ Requires the Commissioner to make a probable cause determination within 60 days after receiving a legally sufficient complaint that involves sexual misconduct by any certificated personnel and OPPS's preliminary investigation;
- ✓ Adds placement on the DQ list as a penalty the EPC may impose for misconduct due to a felony conviction for a disqualifying offense under s. 1012.315, F.S., or sexual misconduct with a student;
- ✓ Prohibits any individual on the DQ list from serving or applying to serve as an employee or contracted personnel at any public school, charter school, or private school participating in a state scholarship program. Any individual who knowingly violates this prohibition commits a third-degree felony;
- ✓ Requires the forfeiture of one year's salary if an elected or appointed school board member knowingly fails to adopt a policy requiring the investigation of all reports of alleged misconduct by educational support employees and instructional and administrative personnel, if the misconduct affects the health, safety, or welfare of a student, regardless if the individual resigned or was terminated before the conclusion of the investigation. The policy must require the superintendent to notify the DOE of the result of the investigation and whether the misconduct warranted termination, regardless of whether the individual resigned or was terminated prior to the conclusion of the investigation;
- ✓ Requires the forfeiture of one year's salary if a district school superintendent fails to completely investigate any allegation of misconduct that affects the health, safety, or welfare of a student, that would be an offense against a student by an authority figure (i.e. sexual or lewd conduct; or a romantic relationship), a disqualifying offense, or sexual misconduct with a student;
- ✓ Limits the amount of time a certificate-holder is on administrative suspension to the superintendent's submission of a legally sufficient complaint. The school district must complete the proceedings and sanctions, if any, within one year of submission of the legally sufficient complaint;
- ✓ Requires private schools participating in a state scholarship program to apply their standards of ethical conduct to educational support employees. The bill prohibits private schools from employing an individual whose educator certificate is revoked or who is barred from reapplying for an educator certificate. The bill also authorizes the Commissioner to permanently deny or revoke the authority of an owner or operator to establish or operate a private school in Florida if the owner or operator is operating or has previously operated an educational institution in Florida or another state in a manner contrary to the health, safety, or welfare of the public. The Commissioner must include such individuals on the DQ list;
- ✓ Requires the public school employer to execute an affidavit of separation, on a form adopted by the DOE, explaining in detail the facts and reasons for the separation, in cases of an employee separating from employment due to

termination or resignation in lieu of termination. The affidavit must expressly disclose when the separation is due to a report of sexual misconduct with a student. The affidavit is executed under oath and constitutes an official statement. The affidavit of separation must also include language that intentional false execution of the affidavit constitutes a second-degree misdemeanor;

- ✓ Requires the employment history check to include a review of each affidavit of separation from the applicant's previous employers before employing the individual in any position that requires direct contact with students; and
- ✓ Adds charter schools and private schools as educational entities law enforcement must notify when an employee is charged with a felony or misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance within 48 hours of the arrest.

The House Education Committee met and passed several bills, including:

- HB 641, sponsored by Representative Tobin Overdolf, provides for school districts to receive additional 0.30 FTE add-on bonus amount funding through the FEFP for each student who receives an AP Capstone Diploma in addition to a standard high school diploma.
- HB 1059, sponsored by Representative Erin Grall, creates Chapter 1014, Florida Statutes, as the "Parents' Bill of Rights." Chapter 1014, F.S., enumerates the 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., related 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. School districts must also adopt notification procedures for specific parental rights.

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 also establishes parental consent requirements for health care services and subjects health care practitioners and health care facilities to disciplinary action for violation of these parental consent requirements in certain instances.

- HB 7011, which requires the Florida High Schools Athletics Association (FHSA) to make training and resources available to each member school for the effective

monitoring of heat stress; establish guidelines for monitoring heat stress, which must be based on the ambient temperature, humidity, wind speed, sun angle, and cloud cover at the site of an athletic activity, and identify heat stress levels at which a school must implement a cooling zone for each outdoor athletic contest, practice, workout, or conditioning session; require member schools to monitor heat stress and modify athletic activities, including suspending or moving activities, based on heat stress guidelines; establish hydration guidelines, including appropriate introduction of electrolytes after extended activities or when a student participates in 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 means to rapidly cool internal body temperature when a student exhibits symptoms of Exertional Heat Stroke (EHS) and the presence of an employee or volunteer trained to implement cold water immersion; and require each school's emergency action plan to include a procedure for onsite cooling using cold water immersion or equivalent means before a student is transported to a hospital for EHS. The bill specifies that these requirements apply during and outside of the school year.

The bill 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 Senate Infrastructure and Security Committee met and passed several bills, including SB 290, sponsored by Senator Ed Hooper, which increases the minimum civil penalty for failure to stop for a school bus from \$100 to \$200. For a subsequent offense within five years, the Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver's license of the driver for not less than 180 days and not more than one year, instead of the current suspension of 90 days to 6 months. The bill also increases the minimum civil penalty for passing a school bus on the side that children enter and exit from \$200 to \$400. For a subsequent offense within five years, the DHSMV must suspend the driver's license of the driver for not less than 360 days and not more than two years, instead of the current suspension of 180 days to 1 year.

The House Oversight, Transparency, and Public Management Subcommittee heard and passed HB 1, sponsored by Representative James Grant. The bill requires a public employee who desires to join an employee organization to sign a membership authorization form. The form must contain an acknowledgement that Florida is a right-to-

work state and that union membership is not required as a condition of employment. The authorization form must also provide that union membership and payment of union dues and assessments is voluntary and that the employee may not be discriminated against in any manner if he or she refuses to join or financially support a union. The bill requires an employee organization to revoke an employee's membership upon the employee's written request. The bill prohibits an employer or employee organization from asking an employee to provide a reason for his or her decision to revoke membership in an employee organization.

The bill also states that dues and uniform assessments may not be deducted from an employee's salary until the employer receives a signed authorization form from the bargaining agent and is able to confirm with the employee, electronically or otherwise, that he or she authorized such deductions. The bill provides that the deductions are in effect for one year and must be reauthorized annually by the employee.

The House K-12 Education Appropriations Subcommittee continued to hear and pass member project requests, including HB 3791, which requests \$1,000,000 for New World School of the Arts. Additionally, the Committee workshopped the District Cost Differential (DCD). Representative Chris Latvala provided the members an overview of the history and purpose of the DCD and the 2018 report recommendations. Ms. Valerie Seidel from the Balmoral Group provided the members a review of a draft Comparable Wage Index methodology. She explained the purpose of the Comparable Wage Index is to provide an index on how wages in a specific county compare to wages in the rest of Florida. Comparable wages are considered among those professionals within the county with similar credentials – a four-year degree – but excluding teachers. Some states use a Comparable Wage Index already, including Virginia, Missouri, Massachusetts, New Jersey, and New York. In the comparable wage calculation, the purpose is to be able to compare comparable average wage in one county to the state's average comparable wage and compare the county's overall average wage to the state's overall average wage. The index is the ratio of the two. Note that the statutorily required report to the Speaker of the House of Representatives, Senate President, and Governor due October 1, 2019, has not been publicly released as of the time of this report.

The Florida House of Representatives passed HJR 301, which proposes an amendment to the Florida Constitution that, if approved by the voters, will abolish the Constitutional Revision Commission (CRC), and HJR 303, linked to HJR 301, which removes all statutory references to the CRC.

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