

MEMORANDUM

February 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 #5

The Florida Legislature concluded its fifth week of the 2020 Session on February 14, 2020.

The Florida House of Representatives and the Florida Senate have both passed their respective budgets, implementing bills, and conforming bills, and are postured for the conference. As outlined in detail in last week's report, the 2020-2021 budget proposals include a few items that will have a major impact on school districts' budgets. These items include:

- The proposed elimination of the Total Funds Compression Adjustment;
- The proposed changes in the District Cost Differential (DCD) in the House Florida Education Finance Program (FEFP);
- The elimination of the Digital Classrooms Allocation;
- A significant proposed increase in the Florida Retirement System (FRS) employer rate, netting a cost of approximately \$233 million statewide to school boards at a rate of approximately \$75 per student; and
- The Teacher Salary Enhancement proposals.

The House PreK-12 Appropriations Subcommittee passed several bills as summarized below.

- HB 737, sponsored by Representative Kimberly Daniels, requires a moment of silence to be set aside for public school students during each school day.
- HB 1013, sponsored by Representative Erin Grall, related to Early Learning and Early Grade Success, revises the statewide governance of early learning programs by:
 - Placing the responsibility for overseeing the Voluntary Pre-Kindergarten (VPK) and School Readiness programs, including rulemaking authority, with the State Board of Education (SBE);
 - Providing a type two transfer of the Gold Seal Quality Care Program from the Department of Children and Families (DCF) to the DOE;
 - Requiring the DOE inspector general to assume investigative duties relating to the VPK and School Readiness programs;
 - Repealing the Florida Early Learning Advisory Council and the Child Care Executive Partnership and establishing the Early Grades Success Advisory Committee; and
 - Aligning Early Learning Coalitions (ELCs) under the SBE's oversight enforcement authority.

The bill also revises the composition of ELC membership, reducing the maximum allowable number of ELCs from 31 to 30, and provides the DOE with authority to merge ELCs in certain circumstances. The bill establishes a timeline for phasing in a new VPK accountability system based on a performance metric that includes student outcomes, learning gains, and observations of child-teacher interactions. The bill requires the Commissioner to develop a coordinated screening and progress monitoring program for VPK through grade 3 students that provides the outcomes and learning gains data for the VPK performance metric. The VPK accountability system must assign a grade of “A” through “F” to VPK providers beginning with the 2022-2023 program year. The bill also allows certain child care providers on military installations to participate in early learning programs and allows districts to use the research-based reading allocation to fund intensive interventions for VPK students who are identified with a substantial reading deficiency.

The bill appropriates \$3,765,759 in recurring funds from the General Revenue Fund to the DOE to implement the coordinated screening and progress monitoring program for VPK and kindergarten students beginning in Fiscal Year 2021-2022 and \$100,000 in nonrecurring funds from the General Revenue Fund to the DOE to contract for a review of the school readiness payment rates.

- HB 1207, sponsored by Representative Melony Bell, requires the Commissioner of Education to release Value Added Measures (VAM) data to school districts annually by July 31, rather than in August.
- HB 1321, sponsored by Representative Vance Aloupis, creates flexibility for school districts wishing to participate in the Early Childhood Music Education program by modifying the eligibility requirements for participation to specified elementary schools, not all elementary schools, in the district. The bill extends the scheduled expiration of the program to June 30, 2022.
- HB 7079, also sponsored by Representative Aloupis, modifies standards and required assessments. The bill authorizes the Commissioner of Education to discontinue the statewide, standardized Geometry end-of-course assessment upon approval from DOE to use the SAT or ACT as the state’s high school math assessment under federal law.

The bill requires each school district to choose either the SAT or ACT for district-wide administration to grade 11 students beginning in the 2020-2021 school year. It also revises the school grades calculation to include the percentage of eligible students passing the English language arts portions and the percentage of eligible students passing the math portions of the SAT and ACT beginning with the 2022-2023 school year. The bill requires all grade 12 students to take a civic literacy assessment beginning in the 2020-2021 school year. The bill requires postsecondary students to demonstrate civic literacy by successfully completing a civic literacy course and achieving a passing score on the civic literacy assessment. The bill revises the school turnaround process by requiring implementation of a district-managed turnaround option after the first year a school earns a grade of “D.” The bill authorizes a school district to request a new turnaround option during the implementation of a turnaround option and authorizes the

State Board of Education to revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan. The bill revises the Turnaround School Supplemental Services Allocation by requiring school districts to submit its implementation plan to the commissioner for final approval by the DOE. The bill requires the Florida Partnership for Minority and Underrepresented Student Achievement to provide information on resources and opportunities, and identify public and private partnerships to provide college-advising services to further increase postsecondary access and success for students. The bill appropriates \$8 million in recurring funds from the General Revenue Fund to the DOE to implement provisions of the bill.

- HB 445, sponsored by Representative Tyler Sirois, related to the school grading system, allows a high school student who earns an Armed Services Vocational Aptitude Battery (ASVAB), Armed Forces Qualifying Test (AFQT) score in the Category II range or higher to be included in the college and career acceleration component of the school grades calculation.

The Senate Education Committee passed several bills as summarized below.

- SB 1216, sponsored by Senator Joe Gruters, proposes that district school board members be subject to an eight-year consecutive service term limitation. The provision would be applied prospectively beginning with the 2020 general election. The likely earliest date that any currently serving school board member could be “termed-out” would be in November 2028. The joint resolution, if passed by a three-fifths vote of each chamber of the Legislature, will be voted on at the general election in November 2020, unless the legislature authorizes an earlier special election for that specific purpose. The House companion, HB 157, sponsored by Representative Anthony Sabatini, has passed all its committees and is on the House calendar.
- SB 662, sponsored by Senator Tom Wright, modifies the school grading model for high schools beginning with the 2020-2021 school year by adding the percentage of students who completed two years of coursework as a participant in the United States Armed Forces Junior Reserve Officers’ Training Corps (JROTC) program and earned a score of 31 or higher on the ASVAB as a school grade college and career acceleration component.
- SB 1100, sponsored by Senator Darryl Rouson, establishes the Florida Seal of Fine Arts Program to recognize high school graduates who have attained a high level of skill in fine arts coursework. The bill specifies that beginning in the 2020-2021 school year, the Florida Seal of Fine Arts is awarded to a high school graduate who: completes three year-long courses or earns three course credits in dance, music, theater, or the visual arts with a grade of “B” or higher in each course; completes an additional year-long course or earns an additional course credit in a qualified art course with a grade of “B” or higher; completes two fine arts-related extracurricular activities; and shares his or her talent and industry knowledge by providing at least 20 hours of art-related community service and presents a comprehensive presentation on his or her experience.

- SB 1550, sponsored by Senator Janet Cruz, requires that, beginning with students entering 9th grade in the 2021-2022 school year, a student must submit the Free Application for Federal Student Aid (FAFSA) in order to be awarded a standard high school diploma. The bill authorizes a waiver of the requirement if the student or parent declines, in writing, to submit the FAFSA.
- SB 1628, sponsored by Senator Lauren Book, expands the required instruction associated with the history of the Holocaust and authorizes the DOE to work with the Florida Holocaust Museum and other Holocaust educational organizations to develop relevant curricula, training, and resources. Specifically, the bill:
 - Adds the policy against anti-Semitism to the required instruction on the history of the Holocaust;
 - Requires each school district and charter school to annually certify and provide evidence to the DOE that instructional requirements on the history of the Holocaust are met; and
 - Requires the DOE to prepare and offer curriculum standards for instruction on the history of the Holocaust.

The house companion HB 1213, sponsored by Representative Randy Fine, was heard in House Education and passed.

- SB 1644, also sponsored by Senator Book, revises the procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:
 - School districts to adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports;
 - School districts to provide training to all school personnel authorized to use positive behavior interventions and supports;
 - School districts to publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual;
 - The development of a crisis intervention plan for a student who has been restrained twice during a semester;
 - Schools to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed;
 - The DOE to collect information relating to the installation and maintenance of video cameras in self-contained classrooms. Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2020; and
 - The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or in-service training requirements for instructional personnel.

- HB 1231, sponsored by Representative Bobby DuBose, passed the House Education Committee this week.
- SB 1750, sponsored by Senator Bill Montford, modifies the requirement that a student complete one credit in fine or performing arts, speech and debate, or an identified practical arts course as a part of the 24 credits required to earn a standard high school diploma. The bill replaces the option to complete one credit in practical arts with the option to complete one credit in career and technical education identified in the Course Code Directory.
- SB 1066, sponsored by Senator Gruters, requires each county or municipality assessing impact fees to establish an impact fee review committee to: 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; and review all proposed expenditures of an impact fee after adoption by the local government to ensure that the fee is used for capital projects within the jurisdiction. In addition, the bill requires that the calculation of an impact fee utilize data obtained within the most recent 36 months and exclude any costs that do not meet specific definitions for infrastructure and public facility. The cost-per-student-station calculation of a school impact fee may not exceed the statutory total maximum cost per student station. Impact fee expenditures and revenues must be accounted for in a separate impact fee account. A new or increased impact fee may not apply to current or pending permit applications submitted prior to the effective date of an ordinance imposing the new or increased fee. The bill also provides that impact fee credits are assignable and transferable at any time after establishment from one development or parcel to another within the same impact fee jurisdiction for the same type of applicable public facility. Provisions for crediting contributions in lieu of impact fees of greater value and those related to a transportation system and mobility as well as the timing for contribution acceptance and commitment are also outlined.

The Senate Health Policy Committee passed several bills as summarized below.

- SB 1406, sponsored by Senator Doug Broxson, creates s. 381.796, F.S., to require unpaid or volunteer athletics personnel, as defined by the bill, who are involved with high-risk youth athletic activities (HRYAA) conducted on state land to complete a training course approved by the Department of Health (DOH) on the prevention of serious physical injury to participants in the HRYAA. The bill specifies topics to be covered by the course, exempts licensed athletic trainers from the requirement to take the course, requires record keeping, and requires the DOH to adopt rules to implement the new section of statute.
- SB 190, sponsored by Senator Montford, authorizes school districts, private schools, and charter schools to certify for reimbursement eligible school-based health services provided to any student enrolled in Medicaid, regardless of whether that student qualifies for Part B or H of the Individuals with Disabilities Education Act, the exceptional student education program, or has an individualized education

plan. The bill aligns Florida law with updated federal guidance that authorizes the federal reimbursement of Medicaid-eligible, school-based health services for all students enrolled in Medicaid. The bill now removes the current-law requirement for health care practitioners who are employed by or contracted with a private or charter school under s. 409.9072, F.S., to independently enroll in Florida Medicaid as credentialed providers to deliver Medicaid-covered, school-based services.

The Senate Judiciary Committee passed SB 1746, sponsored by Senator Kelli Stargel. This bill modifies the operations and governance of Florida Virtual School (FLVS), expands access to virtual charter schools, and provides school districts flexibility in implementing Virtual Instruction Program (VIP) options for the purpose of improving virtual education for students. An adopted amendment to the bill no longer requires funds received by the Florida Virtual School board of trustees to be used to support the school's marketing, though the board may use funds for this purpose.

The Senate Finance and Tax Committee passed SB 524, sponsored by Senator Gruters. This bill establishes an 18-day "disaster preparedness" sales tax holiday, from Friday, May 29 to Monday, June 15, 2020, during which time certain items purchased for disaster preparedness and protection are exempt from the sales and use tax and local discretionary sales surtaxes.

The Senate Appropriations Subcommittee on Education passed several bills as summarized below.

- SB 542, sponsored by Senator Keith Perry, establishes a 10-day "back-to-school" sales tax holiday, from Friday, July 31, 2020 to Sunday, August 9, 2020, for certain clothing, school supplies, personal computers, and personal computer-related accessories.
- 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 that incorporates secondary and postsecondary education with workforce education and work experience in Florida.
- SB 918, sponsored by Senator Rob 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.
- 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;
 - Specifies 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;

- Authorizes a virtual charter school to provide, beginning in the 2020-2021 fiscal year, part-time virtual instruction for students in kindergarten through 12th grade who were enrolled in a public school the prior year; and
- Authorizes a charter school to transfer unrestricted current or capital assets to other charter schools operated by the not-for-profit or municipal entity within the state, rather than being limited to other charter schools within the school district. For this purpose, only unrestricted assets from state sources may be used. For unrestricted assets to be used in accordance with s. 1011.62, if state and local funds cannot be identified, the percentage of state and local funds based on the total funds allocated to the school district from the FEFP shall be applied to the unrestricted assets to determine the unrestricted funds available to be provided to another charter school.

The House Education Committee passed several bills as summarized below.:

- HB 883, sponsored by Representative Wyman Duggan, modifies the processes by which educational personnel who commit sexual misconduct with a student would be prohibited from further contact with students. Additionally, the bill prohibits employment of such individuals in positions that have direct contact with students in public schools, charter schools, and private schools participating in the state scholarship program.
- HB 935, sponsored by Representative Jennifer Webb, excludes costs associated with a solar energy system from the cost-per-student-station caps on public school construction.
- 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 DOE. The bill also revises requirements for charter schools operated by a FCS institution with a teacher preparation program. The bill provides that the board of trustees of a sponsoring state university or FCS institution is a local educational agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role. The bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework and report results in its annual charter school application report. In addition, the bill revises charter school application reporting requirements and submission dates for both sponsors and the DOE. The bill establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution. The bill authorizes charter schools to provide career and professional academies and revises charter school enrollment limitations.
- HB 1335, sponsored by Representative Chip LaMarca, revises provisions relating to the Board of Trustees for FLVS, marketing for FLVS, virtual charter schools, and virtual instruction providers.
- HB 1203, sponsored by Representative Amber Mariano, requires the Commissioner of Education to submit to certain entities a report with

recommendations relating to implementation of Pathways in Technology Early College High School program.

- Proposed Committee Bill EDC3 revises the Florida Academic Scholars textbook award by providing an additional stipend for textbooks if funds are specifically provided in the General Appropriations Act in lieu of providing a \$300 stipend for textbooks each fall and spring semester.

The bill revises the Florida Medallion Scholars (FMS) award effective for students initially eligible in the fall 2021 semester, to provide for the following:

- An FMS student who is enrolled in an associate degree program at an FCS institution is eligible for an award equal to 100 percent of tuition and applicable fees.
- An FMS student who earns an associate degree at an FCS institution with a 3.5 cumulative grade point average or higher is eligible for an award equal to 100 percent of tuition and applicable fees upon enrolling in a baccalaureate degree program at an eligible Florida postsecondary institution.
- An FMS student who earns an associate degree at an FCS institution with a 2.75 cumulative grade point average or higher, but below a 3.5, is eligible for an award equal to 75 percent of tuition and applicable fees upon enrolling in a baccalaureate degree program at an eligible Florida postsecondary institution.

The bill also revises the intent of the William L. Boyd, IV, Effective Access to Student Education (EASE) program and the Access to Better Learning and Education (ABLE) Grant Program to be a financial aid program. Beginning with the fall semester of 2021, the bill requires students applying for an initial EASE or ABLE award to apply for the Pell Grant and meet the eligibility requirements for demonstrated financial need.

- HB 1083, sponsored by Representative Webb, requires a principal or designee to immediately notify a parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. Notification may be delayed for no more than 24 hours after the student is removed if the delay is deemed to be in the student's best interest and if a report has been submitted to the central abuse hotline based upon knowledge or suspicion of abuse, etc. Language is added to require that before a student is removed from school, school transportation, or a school-sponsored activity, the principal or designee must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated, unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The House Tax package was discussed in the House Ways and Means Committee. It incorporates language that would require the sharing of any voted discretionary sales tax. The resolution that describes the school capital outlay projects to be funded by the surtax must also include a statement that the revenues collected must be shared with charter schools based on their proportionate share of total school district enrollment. Language is also added to require that surtax revenues shared with charter schools must be expended by the charter school in a manner consistent with allowable uses in s.

1013.62(4). All revenues and expenditures must be accounted for in a charter school's monthly or quarterly financial report. These provisions apply to levies authorized by vote of the electors on or after July 1, 2020.

The following bills passed in the Florida House of Representatives:

- HB 7011, related to student athletes, revises provisions relating to automated external defibrillators on school grounds, training related to cardiopulmonary resuscitation (CPR) and defibrillators, Florida High School Athletics Association (FHSAA) student athlete safety policies, and specified medical evaluations.
- HB 575, sponsored by Representative Rene Plasencia, provides exemption from licensure requirements for individuals who are employed or under contract with entities providing applied behavior analysis services, and redefines term "private instructional personnel" to include behavior analysts and paraprofessionals providing applied behavior analysis services.

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