

MEMORANDUM

March 2, 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 # 7

The Florida Legislature concluded its seventh week of the 2020 Session on February 28, 2020. Committee meetings have all but concluded as we approach the last two weeks of session. Budget conference has not been scheduled as of the issuance of this update.

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

- SB 1220, sponsored by Senator Manny Diaz, addresses several issues. 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 demonstrate mastery of subject area competence and limits the application of in-service points not related to student learning or professional growth.
 - Authorizes the Commissioner of Education to select and remove the Education Practices Commission executive director and establish the duties of the executive director.
 - Modifies school district professional development (PD) systems and the creation of new PD opportunities.
 - Modifies eligibility requirements for the Family Empowerment Scholarship (FES) and the Florida Tax Credit (FTC) scholarship.
 - Modifies the charter school application process and enrollment limitations by:
 - Requiring a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
 - Modifying enrollment limitations to prioritize a developer and charitable foundation that perform specified actions.
 - Modifies the growth of the FES by authorizing an annual increase of 1.0 percent of the state public school enrollment (rather than 0.25 percent) starting in 2020-2021.
 - Eliminates the maximum income threshold of 260 percent of federal poverty level for eligibility.
 - Provides that a student eligible for an FTC scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's income level.
 - Requires school districts to provide for the administration of the SAT or ACT to all students in grade 11, beginning in 2020-2021, with funding as provided in the General Appropriations Act.

- Establishes a series of school district FTE bonuses for completion of general education core courses with a grade of “B” or higher through dual enrollment and completion of an associate degree through dual enrollment.
 - Expands the Professional Education Excellence Resources (PEER) Pilot Program to include Palm Beach County.
 - Requires the Commissioner to submit a report by December 1, 2020, that meets specified requirements to determine the feasibility of implementing a Pathways in Technology Early College High School (P-TECH), or similar program, in Florida.
- SB 1568, sponsored by Senator Travis Hutson, was amended extensively in committee. The bill modifies Florida’s career and technical education program to provide supports for students in work-based learning programs, modify funding incentives for industry certifications, and establish a process to evaluate innovative delivery of career instruction. Specifically, the bill:
 - Creates s. 446.541, F.S., to provide a definition of “work-based learning” that is synonymous with “on-the-job training” and means interactions with industry or community professionals in off-campus workplaces which foster in-depth, firsthand engagement with the tasks required in a given career field and which are aligned to curriculum and instruction, an apprenticeship program or a pre-apprenticeship program, or a course identified in the Course Code Directory (CCD).
 - Provides that individuals 18 years of age or younger who are enrolled in a Florida-registered pre-apprenticeship program that requires work-based learning or a registered apprenticeship program administered under ss. 446.011 through 446.092, F.S., and any students in grades 6 through 12 who are enrolled in a course identified in the CCD which incorporates a work-based learning component or an activity that is unpaid are deemed to be employees of the state for purposes of workers’ compensation and are insured in the manner provided pursuant to chapter 284, unless otherwise provided.
 - Establishes a reporting requirement for program and course providers and the Department of Education (DOE) not later than 30 days after a participant begins his or her participation in work-based learning that includes:
 - The name of each such participant;
 - The amount of hourly compensation to be paid to such participant, if any; and
 - The number of hours per week that such participant will be receiving on-the-job training as a participant in and required for the pre-apprenticeship program, apprenticeship program, or course which incorporates a work-based learning component or an activity that is unpaid.
 - Establishes the responsibility for payment of workers’ compensation costs and a process for payments to the division, specifying that workers’ compensation costs associated with participants must not be included or combined with the premiums otherwise due from the DOE relating to state risk management in chapter 284. Such costs must be billed separately to the DOE’s workforce education programs and are payable solely from appropriations provided to the DOE’s workforce education programs or specifically for the payment of such costs.
 - Provides that, notwithstanding provisions in ss. 284.36 and 284.44, F.S., relating to premium payments and salary indemnification costs, the DOE is responsible for paying workers’ compensation costs for such participants who are entitled to workers’ compensation benefits solely from funds appropriated to the DOE for

such purpose. Coverage for such workers' compensation benefits must be provided by the division. The bill specifies that, for the 2020-2021 fiscal year, the DOE must pay the division \$470,000 on August 15, 2020, November 15, 2020, February 1, 2021, and May 15, 2021, for such costs. For subsequent fiscal years, the division must bill the DOE for such workers' compensation costs quarterly, based on such costs from the preceding state fiscal year. The DOE must pay such quarterly bills on August 15, October 15, February 15, and May 15 of each fiscal year.

- Modifies s. 1008.44, F.S., to require that the DOE and the Commissioner identify industry certifications for the CAPE industry certification list that are associated with aviation-related and aerospace-related occupations. The bill specifies that such industry certifications are eligible for additional full-time equivalent (FTE) membership bonus funds. The bill also provides greater authority to the Commissioner to limit CAPE industry certifications and digital tools certificates to certain grades for the purposes of calculating additional FTE membership for the industry certification bonus funding. These limitations no longer require recommendations by CAPE providers.
- Changes a reference from the Florida Gold Seal Vocational Scholars award to the Florida Gold Seal CAPE Scholars award for the identification of CAPE industry certifications on the career pathways list. This corrects the reference to the appropriate Bright Futures Scholarship Program award. The Florida Gold Seal Vocational Scholars award does not require completion of CAPE industry certifications. The Florida Gold Seal CAPE Scholars award requires a student earn a minimum of five postsecondary credit hours through approved CAPE industry certifications that articulate for college credit.
- Maintains the \$1,000 bonus for school districts and Florida College System (FCS) institutions for industry certifications earned by students. In addition, effective on July 1, 2021, for each professional-level, Federal Aviation Administration (FAA) industry certification earned by a student, each school district or FCS institution must be provided a total of \$6,000. If funds are insufficient to fully fund the calculated total award, such funds must be prorated.
- Modifies the FTE bonus funding for CAPE industry certifications with a statewide articulation agreement for college credit, specifying that:
 - A value of 0.2 FTE is calculated for a CAPE industry certification that has a statewide articulation agreement of four to 14 college credits.
 - A value of 0.2 FTE is calculated for a CAPE industry certification that has a statewide articulation agreement of one to three college credits and is deemed by the DOE to be of sufficient rigor and linked to a high-skill occupation.
 - A value of 0.1 FTE is calculated for all other CAPE industry certifications with a statewide articulation agreement of one to three college credits.
 - A supplemental value of 0.2 FTE is calculated for industry certifications identified on the CAPE Industry Certification Funding List as leading to employment in aviation-related or aerospace-related occupations and meeting specified criteria prescribed by the DOE.
- Removes the prohibition that additional FTE calculations for an elementary or middle school student may not exceed 0.1 for certificates or industry certifications earned in the same fiscal year.

- Provides flexibility to the school district by removing the requirement that the bonus funds must be provided to the teachers employed by the district in the year that the FTE bonus funds are included in the calculation.
- Specifies that the 20 percent of bonus funds that are not required to be allocated to the program that generated the bonus may be used for other CAPE program expenses, such as administrative costs, which may not exceed five percent of the funds provided, and new industry certification programs. All such funds must be used for CAPE programs and may not be used to supplant operations funds, such as teacher salaries and other costs that are funded with non-CAPE funds, for other courses.

The bill also requires the P-TECH program, or a similar program, to achieve the following:

- Incorporate secondary and postsecondary education with workforce education and work experience in a flexible six-year integrated model.
- Allow students to earn a high school diploma, an associate degree, and applicable industry certifications and gain work experience, within six years after enrolling in the 9th grade.
- Have an open enrollment policy that encourages a diverse student body, including students from low-income families and first-generation college students.
- Support student success through flexible class scheduling, advising and mentoring, and other wrap-around services.

Additionally, the bill requires the Commissioner of Education to submit a report by December 1, 2020, meeting specified requirements, to determine the feasibility of implementing a P-TECH program. The Commissioner's report must, at a minimum, include the following:

- Timelines for implementing a P-TECH program, or similar program, including courses of study which support completion in four to six years, and which meet regional workforce demand.
 - A funding model that provides the P-TECH program, or similar program, at no cost to students and may incorporate K-12, postsecondary, and workforce funding, grants, scholarships, and other funding options.
 - Partnerships with industries and businesses, including private investment, work-based job training, internships, and priority placement for job opportunities after graduation.
 - Recommendations for modifications, if any, to the school and school district accountability requirements.
- SB 1644, sponsored by Senator Lauren Book, revises the circumstances and procedures required for restraining students with disabilities 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 disabilities and identify all school personnel authorized to use the interventions and supports.
 - Provide training to all school personnel authorized to use positive behavior interventions and supports.

- Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- Develop a crisis intervention plan for a student who has been restrained twice during a semester.

The bill also creates the Video Cameras in Public School Classrooms Pilot Program for a three-year period beginning with the 2020-2021 school year. The bill requires that only the Broward and Volusia County school districts are required to participate in the pilot program to install a video camera, upon the request of a parent, in self-contained classrooms where students with disabilities are enrolled and specifies the circumstances under which the video recording may be viewed.

- SB 1688, sponsored by Senator Gayle Harrell, makes significant modifications to the state's Voluntary Pre-Kindergarten (VPK) Program and the school readiness program and reorganizes the structure of the Office of Early Learning (OEL) by consolidating authority and oversight under the State Board of Education (SBE). The bill:
 - Modifies the requirements for the VPK provider profiles that are provided to parents.
 - Provides that the emergent literacy training courses required of prekindergarten instructors must include developmentally appropriate and experiential learning practices for children.
 - Provides that a prekindergarten instructor is not required to complete the student performance standards training course until July 1, 2021, and that completion of the course is recognized as part of the informal early learning career pathway.
 - Authorizes private school administrators who hold certificates in educational leadership issued by the DOE to satisfy the requirement for a PreK director credential.
 - Modifies the requirement for the DOE to calculate each VPK provider's performance metric for the 2019-2020 program year by instead requiring the DOE to calculate each VPK provider's kindergarten readiness rate for the 2019-2020 program year.
 - Clarifies that the pre- and post-assessment in use before the 2020-2021 year must be utilized (instead of the pre- and post-assessment in use before the 2021-2022 program year).
 - Requires a provider who fails to meet the minimum kindergarten readiness rate be placed on probation for failing to meet the minimum kindergarten readiness rate for the 2019-2020 program year.
 - Clarifies that VPK providers are subject to probation for failing to meet the minimum program assessment composite score, as calculated by the DOE, for the 2020-2021 program year.
 - Clarifies that program assessment scores required in the bill refer to program assessment composite scores.
 - Modifies the requirement that the program assessment composite score consist of no less than 50 percent of the performance metric.
 - Clarifies that program assessment composite scores and performance metrics in the bill are required to be calculated for each VPK provider beginning in the 2021-2022 school year.

- Modifies the requirement of the bill that the DOE contract with an independent expert to conduct the statistical latent profile analysis to be included in the methodology for the performance metric to require the DOE to include a statistical latent profile analysis that has been conducted by an independent expert.
 - Modifies the requirement of the bill for the assignment of a letter grading system for VPK providers to require the designations of “unsatisfactory,” “emerging proficiency,” “proficient,” “highly proficient,” and “excellent” or comparable terminology determined by the SBE which may not include letter grades, and requires the designation to be displayed as associated with delivery of the VPK program in the provider’s performance profile.
 - Subjects to an appropriation the differential payments required in the bill for VPK providers who achieve a determined minimum program designation.
 - Requires VPK providers to meet a minimum program assessment composite score for contracting to deliver VPK.
 - Modifies the requirement that the DOE adopt a minimum performance metric or grade to demonstrate satisfactory delivery of the VPK program and specifies that a designation of proficient or better demonstrates satisfactory delivery of the VPK program.
 - Modifies the requirement that instructional practices in behavioral support be included in the staff development plan approved by the DOE for VPK providers who fail to meet the minimum or designation to require that the staff development plan instead strengthen practices in instructional support.
 - Modifies the requirement that a request for a good cause exemption demonstrate effective teaching practices as recognized by the contracted expert to require the good cause exemption to demonstrate effective teaching practices as recognized by the tool developer.
 - Adds early math skills to the training courses for prekindergarten instructors for which the DOE must adopt procedures for approval.
 - Modifies the requirement of existing law that the DOE determine the minimum threshold of school readiness providers for contracting to deliver the school readiness program to require the DOE to determine the minimum program assessment composite score that school readiness providers must achieve for contracting to deliver the school readiness program.
 - Requires the minimum program assessment composite score for school readiness providers to align with the minimum program assessment composite score for VPK providers, and requires the calculation of the minimum program assessment composite score to be reviewed by the independent expert who has conducted the statistical latent profile analysis for the methodology for calculation of the performance metric for VPK providers.
- SB 70, also sponsored by Senator Book, requires:
 - Each public school, beginning with the 2021-2022 school year, to implement an interoperable mobile panic alert system, known as “Alyssa’s Alert,” capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responders.
 - The DOE, in consultation with the Marjory Stoneman Douglas High School Public Safety Commission and the Florida Department of Law Enforcement, to develop a competitive solicitation for a statewide mobile panic alert system.

The Senate Appropriations Committee passed several bills, including some bills impacting school districts as summarized below.

- SB 836, sponsored by Senator David Simmons, revises the annual allocation to school districts to include an additional calculation of FTE membership for students who earn a College Board Advanced Placement Capstone Diploma.
- SB 918, sponsored by Senator Jeff Brandes, requires the Commissioner of Education to develop minimum criteria for a nonpartisan civic literacy practicum for high school students.
- SB 1628, sponsored by Senator Book, mandates required instruction include anti-Semitism and the prevention of anti-Semitism. Each district must annually certify and provide evidence to the DOE that the requirements are met. The bill also requires the DOE to prepare and offer standards and curriculum for the instruction and seek input from the Task Force on Holocaust Education or from any recognized Holocaust educational organization.
- SB 7012, sponsored by the Senate Children, Families & Elder Affairs Committee, implements several measures related to suicide prevention. Specifically, the bill:
 - Broadens the scope and duties of the Statewide Office of Suicide Prevention in the Department of Children and Families (DCF);
 - Creates the First Responders Suicide Deterrence Task Force within the Statewide Office of Suicide Prevention to assist in the reduction of suicide rates of first responders;
 - Broadens the scope and duties of the Suicide Prevention Coordinating Council and adds five new members to the Council;
 - Adds new training and staffing requirements for instructional personnel at public and charter schools;
 - Adds new continuing education requirements related to suicide prevention for various health care practitioners;
 - Requires certain health insurance plans to comply with federal regulations relating to mental health and substance use disorder coverage to ensure that Floridians who are privately insured have adequate insurance coverage to help prevent suicides;
 - Requires Baker Act receiving facilities to provide suicide prevention information resources to minors being released from a facility;
 - Provides civil immunity to persons who help or attempt to help others at imminent risk of suicide; and
 - Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report that looks at other states' suicide prevention programs.

The House Appropriations Committee passed several bills as summarized below.

- HB 7067, sponsored by the House Education Committee, revises the Gardiner Scholarship Program (GSP), the Family Empowerment Scholarship Program (FES),

the Florida Tax Credit Program (FTC), and Florida's statewide, standardized assessments. The bill:

- Requires the Commissioner of Education to discontinue the Geometry end-of-course assessment upon approval from the U.S. Secretary of Education for a waiver from federal high school math testing requirements;
 - Requires each school district, beginning in the 2021-2022 school year and subject to an appropriation, to choose either the SAT or ACT for districtwide administration to grade 11 public school students;
 - Phases out the grade 9 English Language Arts (ELA) assessment after the 2021-2022 school year;
 - Requires grade 12 students to take a civic literacy assessment and provides that a student who passes the assessment in high school fulfills the postsecondary civic literacy assessment requirement;
 - Requires the Commissioner of Education to submit a report to the Governor, Legislature, Board of Governors, and SBE on the feasibility of creating additional educational pathways for Florida's students through the P-TECH model, or a similar program;
 - Authorizes the DOE to establish timeframes for advertisement and submission of bids for the 2020 adoption cycle of instructional materials; and
 - Requires only the statewide, standardized ELA and math assessments in grades 3 through 6 to be delivered in a paper-based format.
- HB 7097, sponsored by the House Ways & Means Committee, establishes:
 - A temporary three-day back-to-school sales tax holiday from August 7, 2020, through August 9, 2020, and a temporary seven-day disaster preparedness sales tax holiday from May 29, 2020, through June 4, 2020, for specified items related to disaster preparedness; and
 - An additional requirement for the resolution that voters must approve in order to levy a school capital outlay surtax. Specifically, 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 existing allowable uses for charter school capital outlay funding, as set forth in s. 1013.62(4), F.S. Further, all revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9), F.S. These changes only apply to levies authorized by vote of the electors on or after July 1, 2020.

The House Education Committee passed several bills as summarized below.

- HB 23, sponsored by Representative Michael Gottlieb, creates "Alyssa's Law," which requires each public elementary, middle, and high school campus, including charter schools, to implement a mobile panic button system.
- HB 1029, sponsored by Representative Anthony Rodriguez, revises provisions relating to the charter school application process, charter school student enrollment, high-performing charter schools, and virtual charter schools. It was substantially amended in committee. The bill:

- Removes the application deadline and authorizes a charter to basically open at any time.
 - Provides for immediate termination of a charter if an immediate and serious danger is likely to continue and that an immediate termination of the charter is necessary to stop the emergency.
 - Expands student eligibility.
 - Requires a local governing authority to provide, if requested by a charter school, a written justification for any challenged requirements, restrictions, or site planning processes within 14 days. If a court finds that the local governing authority failed to treat the charter school equitably, the court shall award attorney fees and court costs to the charter school.
 - Expands tax exemptions for certain facilities.
 - Authorizes a school board to construct educational facilities and ancillary facilities on land owned by the school board and lease such facilities to a charter school.
 - Modifies the high-performing charter school application process.
 - Authorizes a virtual charter school to provide part-time virtual instruction.
 - Authorizes that career and professional academies may be offered by charter schools.
 - Modifies administrative fees relating to students in ESE centers.
 - Modifies the school grade/school improvement rating for ESE centers to provide that an ESE center that receives two consecutive ratings of “maintaining” or higher may replicate its educational program in the same manner as a high-performing charter school.
- HB 1083, sponsored by Representative Jennifer Webb, requires a principal to verify that de-escalation strategies have been used with a student and outreach to a mobile response team has been initiated prior to a student’s removal from school and transport to a receiving facility for involuntary examination. The bill provides an exemption from this verification requirement when a principal reasonably believes that any delay in the student’s removal will increase the likelihood of harm to the student or others.
 - HB 1321, sponsored by Representative Vance Aloupis, creates flexibility for school districts seeking to participate in the Early Childhood Music Education Incentive Pilot Program by allowing specified elementary schools in the district, rather than all elementary schools, to implement a comprehensive music education program.
 - EDC4, sponsored by the House Education Committee, is now HB 7103. It requires each district school board to calculate a proportionate share of professional development funds for each classroom teacher. Each classroom teacher must be allowed to use up to 25 percent of his or her proportionate share of funds to select professional development that addresses the academic needs of students or an identified area of professional growth. The bill focuses teacher professional development on professional growth and student learning by allowing mandatory training on a topic not linked to these outcomes to count toward in-service requirements only once per five-year professional certificate validity cycle.

The bill provides that students must meet the GPA and General Knowledge Test requirements to complete a teacher preparation program and removes the requirements as admission prerequisites. Accordingly, the bill removes the authority for teacher preparation programs to waive admission requirements.

The bill also requires the Commissioner of Education to submit a report by December 1, 2020, to the Governor, Senate President, Speaker of the House, Board of Governors, and SBE that provides recommendations addressing the feasibility of implementing the P-TECH program, or a similar program, in Florida.

The bill was amended to provide that any costs associated with a solar energy system that is located on the property of an educational facility may not be included in the total cost-per-student-station limitations on new construction.

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