

5th Week of the Legislative Session – Report for April 1-5, 2019

General Information

This report contains pertinent information presented and discussed during the 5th week of the regular 2019 legislative session. Both the House and Senate held meetings in both chambers, which consisted of legislative bills and budget.

The House and Senate have both passed their respective General Appropriations Acts and are procedurally preparing for a budget conference. The House took the steps necessary to respond to the Senate's request to either accept its budget, or to accept their request for the convening of conference committees to address the differences between the budgets.

Attached are the following:

- Updated Summary Comparison (2019-20 Proposed General Appropriations Bills)
- FRS Rate Bills
- SB 2500 and HB 5001 Statewide FEFP Comparisons
- OCPS 2019-20 (SB 2500 v HB 5001) and 2007-11 (SB 2500 v HB 5001)

Also, the House poised to take up both the school safety (HB 7093) and school choice (HB 7055) but both bills were temporarily postponed on the House Floor.

Attached are the following:

- School Choice - SB 7070 / HB 7075 (Side by Side)
- School Safety – SB 7030 / HB 7093 (Side by Side)

House

PreK-12 Appropriations Subcommittee – Chair Representative Chris Latvala HB 889 by Rep. Buchanan related to Educational Facilities

The bill was substantially amended and now requires the Legislative Office of Economic and Demographic Research to update the Review of Florida's Cost per Student Station report completed in January 2017. The updated report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2019.

Superintendents Tim Wyrosdick (Santa Rosa) and Debra Pace (Osceola) testified before the committee as to the immediate need for flexibility in the cost per student station requirements and other state mandates. Their testimony was very helpful in highlighting the issue for committee members.

The bill passed the House PreK-12 Appropriations Subcommittee as amended.

HB 259 by Rep. Williams related to Comprehensive Health Education

The bill revises the required comprehensive health education curriculum for K-12 public schools to include instruction on the dangers and signs of human trafficking and techniques to recognize and respond to child abuse.

With parental consent, a student may opt out of portions of comprehensive health education. The bill may have a fiscal impact to school districts but the impact is indeterminate.

The bill passed the PreK-12 Appropriations Subcommittee favorably and is now in the House Education Committee.

HB 1061 by Rep. Overdorf related to Funds for the Operation of Schools

The bill provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma.

The bill passed the PreK-12 Appropriations Subcommittee favorably.

HB 1127 by Rep. Duggan related to Educational Employees

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

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

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

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

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

The bill will have a fiscal impact on the Department of Education that is indeterminate, but can be absorbed within existing departmental resources.

The bill passed the PreK-12 Appropriations Subcommittee favorably and is now in the House Education Committee.

House Appropriations Committee - Chair Representative Travis Cummings

HB 1197 by Rep. Fischer related to Charter Schools

The bill has been amended to allow state universities and Florida College System (FCS) institutions to sponsor charter schools. The amended bill provides that a state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands and an 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.

The bill has been amended to allow students enrolled in a charter school sponsored by a state university or FCS institution to be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the FEFP for the school district in which the school is located as provided in s. 1011.62, F.S., and the General Appropriations Act (GAA), including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy; divided by total funded weighted FTE students in the school district; and multiplied by the FTE membership of the charter school.

The bill passed the Appropriations Committee favorably as a committee substitute.

House Health Care Appropriations Subcommittee – Chair Representative MaryLynn Magar

HB 587 by Rep. Andrade related to Medicaid School Based Services

The Florida Medicaid Certified School Match Program (program) provides school districts and private and charter schools the opportunity to enroll in Medicaid in order to have Medicaid share in the cost of providing certain school health services to students that are Medicaid recipients. Under the program, schools and school districts use state and local funds to pay for covered health services provided to students that are Medicaid recipients for which AHCA then reimburses them with matching federal Medicaid funds.

Medicaid recipients who receive services through the program must be under the age of 21 and 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). Health services provided must be both educationally relevant and medically necessary and tailored to meet the recipient's individual needs.

The bill aligns current law with the federal Medicaid requirements by removing the requirement that Medicaid recipients receiving services through the Florida Medicaid Certified School Match Program qualify for Part B or H of the IDEA, or for exceptional student services, or have an IEP or IFSP.

The bill passed the Health Care Appropriations Subcommittee favorably and is now in the House Health & Human Services Committee.

House Education Committee - Chair Representative Jennifer Sullivan

HB 7071 by Higher Education related to Postsecondary Workforce Education

The bill enhances workforce education programs by:

- Creating the “Strengthening Alignment between Industry and Learning to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030.
- Revising the school grades formula to recognize career certificate clock hour dual enrollment and establishing formal career dual enrollment agreements between high schools and career centers.
- Allowing students with an industry certification to earn two mathematics credits for Algebra I.

- Allowing a computer science credit to substitute for a mathematics or science credit and requiring a biennial review of career education courses for alignment with high school graduation requirements.
- Requiring the Department of Education (DOE) to provide assistance in increasing public awareness of apprenticeship and preapprenticeship opportunities.
- Requiring the Commissioner of Education to annually review career and technical education course offerings. • Establishing a “College and Career Decision Day” to recognize high school seniors for their postsecondary education and career plans.
- Doubling the cap on career and professional education Digital Tool certificates.
- Establishing a middle grades career planning course requirement.
- Revising requirements relating to adjunct teaching certificates.
- Reconstituting the Higher Education Coordinating Council as the Florida Talent Development Council, revising its membership, and requiring the council to develop a strategic plan.
- Creating the Florida Apprenticeship Grant Program to provide competitive grants to high schools, career centers, charter technical career centers, Florida College System (FCS) institutions, and other entities authorized to sponsor apprenticeship or preapprenticeship programs.
- Requiring the Department of Business and Professional Regulation, in consultation with the DOE, to submit a report by December 1, 2019, regarding apprenticeship programs that could substitute for the required educational training otherwise required for licensure.
- Requiring the statewide articulation agreement to provide for a reverse transfer agreement for certain students.
- Requiring career centers and FCS institutions with overlapping service areas to execute a regional career pathways agreement for each certificate program offered by the career center that aligns with an associate’s degree offered by the college.
- Requiring each school district and FCS institution receiving state workforce education funds to maintain adequate and accurate records and revising the for determining state funding for workforce education program funding calculation.

The bill passed the House Education as a committee substitute.

On House Calendar

HB 225 by Rep. Beltran related to Education

The bill allows a student to wear the uniform of a branch of the United States Armed Forces or the National Guard at the student’s high school graduation ceremony if the student has completed basic training and is an active member of the service.

The bill passed the Education Committee favorably and is now on the House calendar.

HB 7061 by PreK-12 Quality related to Teacher Preparation

The bill addresses teacher preparation and retention by increasing the opportunities for mentorship, professional development, and examination preparation to equip first-time teachers with tools and supports when they enter the classroom.

The bill establishes consistent requirements for curriculum and field experience provided by teacher preparation programs.

The bill passed the Education Committee favorably and is now on the House calendar for second reading.

Senate

Senate Education Committee - Chair Senator Manny Diaz

SB 66 by Sen. Cruz related to Drinking Water in Public Schools

The bill requires each school district to filter drinking water at each source for any school built before 1986.

Specifically, for such schools the bill requires each school district to:

- Install a barcode on all school drinking water sources.
- Install a filter that meets specified standards to reduce lead at each school water source.
- Post a conspicuous sign near each non-drinking-water source warning that such source should not be used for human consumption.
- Publish on the school district's website information about filters for each drinking water source and actions necessary to comply with requirements.

The bill passed the Senate Education Committee favorably.

SB 520 by Sen. Montford related to Funding for School Districts

The bill holds harmless school districts most impacted by Hurricane Michael and provides a special one-time appropriation based on the enrollment difference in full-time equivalent (FTE) students in the October FTE survey and the February FTE survey.

The bill passed the Senate Education Committee favorably.

SB 982 by Sen. Thurston, Jr. related to Human Trafficking Education in Schools

The bill adds information on the dangers and signs of human trafficking to required instruction as a part of comprehensive health education in public schools, and authorizes a student to opt out of such instruction. The bill also requires the Florida Department of Legal Affairs (DLA) to develop campaigns to increase awareness of human trafficking.

The bill passed the Senate Education Committee favorably.

SB 1342 by Sen. Stargel related to Postsecondary Education for Secondary Students

The bill expands secondary student access to advanced coursework through dual enrollment and early college programs.

Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
 - Modifies Florida law regarding student eligibility criteria for participating in dual enrollment by changing the unweighted high school grade point average requirement from 3.0 to 2.5.
 - Prohibits a district school board and Florida College System institution (FCS) from limiting student participation in dual enrollment, including early college programs, but creates a waiver from such prohibition based on capacity to accommodate all eligible students.
 - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment.

- Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools.
- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education (commissioner).
- Specifies dual enrollment and early college program related reporting requirements for postsecondary institutions and the Department of Education.

The bill passed the Senate Education Committee favorably as a committee substitute.

SB 1480 by Sen. Stargel related to Civics Education

The bill requires all instructional materials for the middle school civics education course be reviewed and approved by Commissioner in consultation with civics organizations and stakeholders. Errors and inaccuracies in state-adopted civics instructional materials, identified by the commissioner, must be corrected pursuant to current statutory procedures. The bill also requires the commissioner to review the current state-adopted civics course materials and the civics statewide end-of-course assessment and make recommendations for improvements by December 31, 2019. DOE must complete a review of civics education course standards by December 31, 2020.

The bill passed the Senate Education Committee favorably as a committee substitute.

SB 1594 by Sen. Harrell related to Voluntary Prekindergarten Education Program

The bill shifts the method for assessing Voluntary Prekindergarten Education Program (VPK) providers from a kindergarten readiness rate based on the results of a screening taken in kindergarten to a program score based on assessments and a screening taken during the VPK school year.

The bill passed the Senate Education Committee favorably.

Senate Appropriations on Education – Chair Sen. Kelli Stargel

SB 226 by Sen. Brandes related to Mastery-based Education

The bill renames the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program (mastery-based pilot) and:

- Expands participation in the mastery-based pilot to all school districts and developmental research schools.
- Authorizes district school boards and developmental research schools participating in the mastery-based pilot to:
 - Determine and award credit based on student’s mastery of core content and skills but requires such school districts and developmental research schools to amend their student progression plans accordingly.
 - Use an alternative interpretation of letter grades to measure student success in grades 6-12 but requires such school districts and developmental research schools to continue to use a 4-point scale for calculating a student’s grade point average.
- Requires the statewide articulation agreement to ensure fair and equitable access for students who earn high school credit through a mastery-based education program and graduate with a standard high school diploma.

The bill passed the Senate Education Appropriations Subcommittee favorably.

The 6th week of the 2019 regular legislative session reconvenes on Monday, April 8th.

I hope you find the information above helpful. If you have any questions or need additional information, please feel free to contact me at (407) 317-3200 ext. 2002966 or Eileen Fernandez, Associate General Counsel at (407) 317-3411 ext. 2002945.