

2023 Legislative Session (FASFEPA)

Brief Review of New Laws and the Questions they Raise

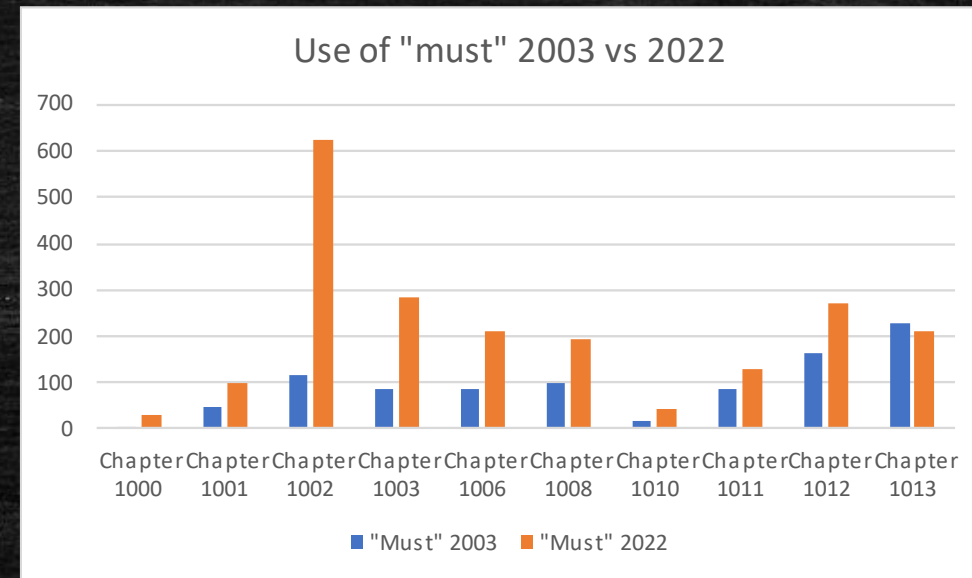
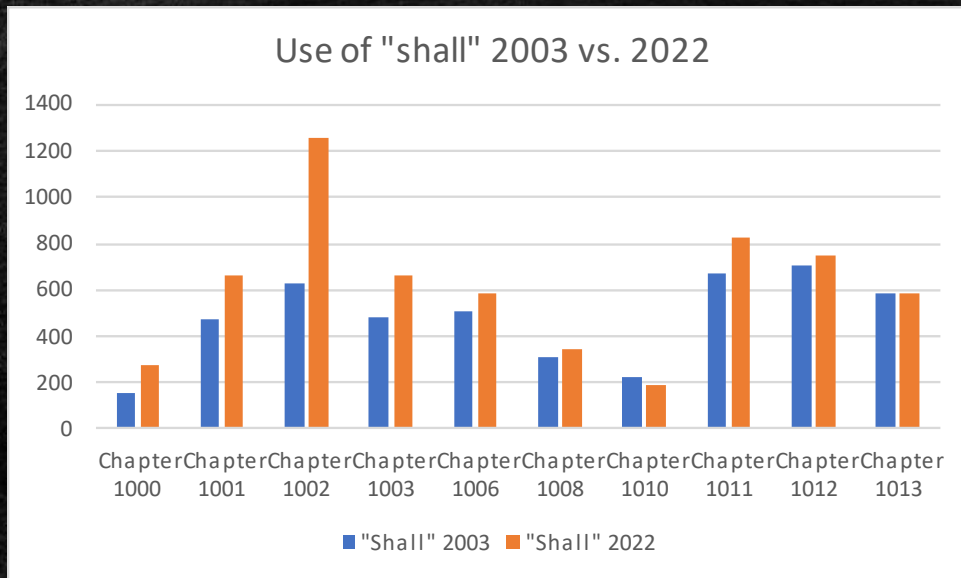
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Subject Areas

- Student-Centered Laws
 - Reading, Writing, and Arithmetic
 - ESE
 - Required Instruction
 - Others
- District Operations
 - School Choice
 - HR/Teachers
 - School Safety
 - LGBTQ
 - Others
- Budget
 - FEFP
 - Retirement
- Rules of the State Board of Education

Fun Facts

- Must and Shall in the K-12 Education Code 2003 vs. 2022.
- 5,674 vs. 8,220 (45% increase in must and shall, and another 200 or so added for 2023).



Fun Facts

- Over 1800 Bills Filed (Over 250 tracked by FADSS for potential impact on school districts).
- 356 Enrolled Bills (Passed Both the House and Senate).
 - 5 Vetoes (not including line-item vetoes in GAA).
 - 351 Approved.
- Laws Affecting Districts (summarized by FADSS).
 - 2021: 35.
 - 2022: 35.
 - 2023: 52.
- Department of Education Rules.
 - 76 new or amended 6A Rules in 21-22 school year.
 - 80 new or amended 6A Rules in 22-23 school year.
 - 53 new or amended 6A Rules in adopted In July and August of 2023.
 - 24 new or amended 6A Rules in the pipeline as of September 6, 2023.

Student-Centered Laws

It is all about the 3 R's, right? 50+ bills affecting school districts. How many address classroom instruction and the 3 R's?

Reading, Writing, and Arithmetic

HB 7039 – Student Outcomes

- Science of Reading (no more three-cueing).
 - Several very successful districts must change their approach (funding provided in bill).
- Mathematics deficiencies handled like reading deficiencies (section 1008.25, notice to parents, etc.).
- New Worlds Reading Scholarships now available for mathematics too (new name: New Worlds Scholarship).
- New Worlds Reading Initiative now available to PreK-5 students.
- Curriculum Teams need to read the new section 1008.25 in full.

Highlights/Questions/Concerns

- \$158 million in funding to help districts that used three-cueing to convert to Science of Reading.
- Elementary principals may want to start the year with a letter to parents about new focus on mathematics deficiencies in light of new progress monitoring system.
- Dyslexia “or the characteristics of dyslexia.”
- Dyscalculia “or the characteristics of dyscalculia.”

Other New Reading, Writing, and Arithmetic Laws

Nothing to See Here

Required Instruction

HB 379 – Technology in K-12 Public Schools

- Social Media Instruction (Grades 6-12).
- Internet Safety Policy.
- Cybersafety and opportunities for parent engagement.
- Prohibit access to social media platforms (except when allowed by teacher for educational purposes).
- No Tik-Tok on district-owned devices or through district Internet access.
- Teachers shall designate area in classroom for students to deposit their phones.
- Code of Conduct (no use during instructional time, except when directed by teacher for educational purposes).

HB 551 – Required African-American Instruction

- Annual certification of proper AA History with evidence provided “in a manner prescribed by the [DOE].”
- Annual submission of implementation plan for all 20+ topics of required instruction in section 1003.42, F.S.
 - Methods for delivery at each grade level.
 - Professional qualifications of teacher.
 - Description of instructional materials.
 - Post on district website too.
- Section 1003.42 does not apply to charter schools.
- May create enormous workload increase depending on what DOE requires.

District Operations

The Year of Deregulation?

Train Bill

HB 1537 – Education

- Concordant Scores (Class of 23 and 24).
- Charter Schools.
 - Can dismiss for Academic Performance (see HB 443).
 - Receive capital outlay funding until 2 F's or 3 consecutive grades below C.
- 9/11 Heroes Day.
- History of Asian Americans & Pacific Islanders.
- Classic Learning Test (CLT).
- Adds 3rd grade performance to school grade.

HB 1537 (Cont.)

- Student Searches.
- Rebuttable presumption student intervention into physical altercation was necessary.
- Professional Learning instead of Professional Development.
- Students in teacher prep programs can obtain temporary teaching certification.
- Bright Futures (CLT, combo work and volunteer).
- Over-the-counter headache medication.
- Health and Sex Ed – websites.

Train Bill

Highlights/Questions/Concerns

- Duplicate provisions here and in other bills, not always identical. Which prevails?
- Rebuttable presumption that student who jumps into a fight is doing what is necessary to maintain order and protect the safety of others? Are deans able to process this?
- Huge concern with idea that public charter schools can dismiss a student for poor academic performance. Districts need to review charter agreement, charter application, and charter enrollment forms. Very few charter schools should be able to justify having admission standards that would then allow dismissal for poor performance. They are not magnets.

Highlights/Questions/Concerns

- Even more topics of required instruction and new instructional days to fit into the same 180-day school year.
- Only district schools have to teach the required topics in section 1003.42.
- Should failing charter schools continue to receive public dollars designed for the maintenance and upkeep of public buildings? Current DOE rule said no after 1 F or 2 consecutive years below C. Why are they now getting the funds up until mandatory closure?

School Choice

HB 1 – Universal Vouchers

- No more income requirement.
- 3% cap on FES-UA, instead of 1% (should eliminate waiting list).
- More uses for voucher funds (empowerment savings account, not just tuition payments).
- Home School – PEP (20,000 this year, 40,000 more each year).
- Part-Time Enrollment.
- Use Evaluation Reports and Plans of Care to create IEP for students who have never been enrolled in public school.
- DOE to report students receiving voucher, not districts.
- DOE Portal for school choice.

HB 1 – Universal Vouchers

- Deregulation recommendations due from DOE by November 1, 2023.
 - <https://www.surveymonkey.com/r/FloridaHB1>
- Transfer of Student Records (from 3 to 5 days).
- No more online course requirement for graduation.
- More options for transportation.
- 1.5 mill revenue can be used to pay salary of employees whose job duties support activities funded by capital outlay funds.
- Teacher Certification Changes.
 - Temp Cert to 5 years.
 - No GK, pedagogy test if 3 consecutive Eff or HE.

School Choice

Highlights/Questions/Concerns

- Arizona.
- Will the funding follow the student? Districts are not getting the funds for students still being reported as FES despite sitting in one of our desks for the last 3 months.
- Student Mobility – grass is greener effect.
- Parent Confusion? Are there available seats in the area?
- How will DOE report the numbers, and what will be asked of districts?
- DOE must only “consider input” for deregulation.

Highlights/Questions/Concerns

- Will districts take advantage of part-time enrollment and contracted services opportunity?
- Increased private school enrollment? Changes to federal program funds distribution?
- Every single district administrator should be thinking about deregulation this summer.
 - For curriculum and school leaders – What things are you required to do that don’t seem to have an effect on classroom instruction but take up a lot of time and effort?
 - For operations personnel, what reports or other steps do you have to take that don’t seem useful or create any benefit?
- Stop disrespecting parents who choose their zoned, district school.

School Choice

HB 443 – Charter Schools (and more)

- No dismissal for poor academic performance unless student has been placed on a progress monitoring plan for at least one semester.
- Charter can do unforgiveable loan of capital assets to charters they operate in other districts.
- 60 days for districts to disburse federal grant funds even if district has not received funds yet.
- Districts must train charter staff on any system district requires charter to use.
- Annually report to charters (and DOE) what services are being rendered from sponsor administrative fee.
- DOE to adopt “standard monitoring tool.”

HB 443 – The “and more” part

- Choking posters in the cafeteria.
- Community Schools.
- Teacher Classroom Supply Assistance Program. Can include administrator or substitute with valid certificate who is filling a vacancy (largely a charter school issue, where principal might teach a class or two. Districts must calculate a prorated share for those teaching less than full time.

School Choice

Highlights/Questions/Concerns

- Repeat – carefully monitor charter schools enrollment and dismissal process. There are few charter schools that should have an academic performance requirement for admission. They are public schools who must serve all.
- What will DOE put into its standard monitoring tool? What might be left out? No parameters included with this new law.
- Transfer of assets to schools in other districts? How does a charter school execute a legally binding, unforgiveable loan to itself?

Highlights/Questions/Concerns

- Continuation of the trend to assign more and more sponsorship responsibilities to districts for 5% or less. No enforcement tools other than closure, which is almost impossible.
- Why should districts release federal grant funds before they have been received (often a delay with DOE review of district proposals)?
- How detailed must the report of administrative services provided to charters be? It may be somewhat time consuming, but include everything you can.

DJJ Facilities

SB 7014 – Florida Scholars Academy

- DJJ to run FSA at all residential facilities.
- There will be a “superintendent” and board of trustees.
- \$12 million for 2023-24. Recurring funding for future years? \$24.1 million?
- FSA shall receive all federal funds for which it is eligible.

SB 7014 – Questions, Highlights, and Concerns

- What effect will this have on district FEFP? Appears to remove these students from district’s count and FEFP entirely.
- What obligations, if any, does district have to students in residential facility now? What about students from district placed in residential facility?
- Federal funds? Pulled at DOE level (SEA) and distributed to new LEA? Still up to districts to share?

Teachers

HB 1035 – K-12 Teachers

- Teachers' Bill of Rights (Ch. 1015, F.S.).
 - Rebuttable Presumption.
 - Special Magistrate.
- Review of Teacher Training Requirements.
- Teacher Authority over Discipline.
 - Lesser disciplinary sanction?
 - Principal notice to teacher.
- Dual-enrollment Scholarship.
- Apprenticeship Program.

Highlights/Questions/Concerns

- What training programs will Commissioner attempt to eliminate? How?
- Section 1003.32 was already confusing. SESIR, background information, interviewing witnesses, past history, etc.
- Why do we need yet another special magistrate process? There are already grievance processes, CBA, EEOC, etc.

Technology

SB 662 – Student Online Personal Information Protection

- No targeted advertising.
- Limited collection of personal information of students.
- Districts will need to ensure that these services are aware of and compliant with the new law.

SB 258 – Prohibited Applications on Government-issued Devices

- No Tik-Tok or other applications from foreign countries of concern.
- DMS will compile and update list of prohibited applications.
- Districts must block access to prohibited applications and control devices.
- May need to request waivers (monitoring security threats, online bullying and harassment, etc.).

LGBTQ Issues

HB 1069 – Education

- Expands upon HB 1467 and HB 1557 from 2022.
- Sex policy – “immutable biological trait.”
- Pronouns.
 - “False” to ascribe a pronoun that does not correspond to biological sex at birth.
 - Cannot require employees to use preferred pronouns or ask students to provide their preferred pronouns.
- Classroom instruction now PreK-8.
- Sex Ed.
 - All materials to teach it to be approved by DOE.
 - Must teach that males impregnate females with sperm fertilizing egg.

HB 1069 – Education

- Books.
 - Library includes classroom.
 - Objection form will be adopted by DOE.
 - New ban criteria – sexual conduct.
 - Pull within 5 days if objection based on pornography or sexual conduct.
 - If board will not let parent read passage aloud because of porn or obscene, book must be banned.
 - Review committee must include parents, noticed, open to public.
 - Another Special Magistrate.
 - Annual reports.
 - Grade level and course book was used in.
 - If not removed, what was the reason?

LGBTQ Issues

Highlights/Questions/Concerns

- Same questions and concerns from last year.
- Err on the side of caution?
- Incredible amount of time and resources.
- False narrative of indoctrination, groomers, sexual abuse, pornography, etc.
- Laws remain open to interpretation without guidance from DOE, allowing people with much broader interpretation to control the narrative and process.
- DOE rule adopted 7/19/23 – no nicknames without parent approval?

Highlights/Questions/Concerns

- Some people view a picture of a same-sex couple as indoctrination.
- Districts that have erred on the side of caution, as instructed by DOE, have been criticized by DOE.
- What is classroom instruction? This year, bill sponsor said teacher should redirect student to standards being taught if student asks a question about sexual orientation.
- No guardrails, no guidance, districts spending enormous time and effort.

Budget Issues

Look at that BSA!

On second thought, please don't.

FEFP

HB 2500 – GAA

- Gone but not forgotten.
 - Instructional Materials
 - Reading
 - TCSA
 - TSIA
- 117,372 new UFTE.
- 4.91% increase in funds per UFTE.
- \$552.33 BSA “increase.”
- Safe Schools up \$40 million; Mental Health up \$20 million.
- Educational Enrollment Stabilization Program -- \$350 million (proration).
- CWF and Small District Factor replace DCD and Sparsity.

Highlights/Questions/Concerns

- \$552.33 BSA (\$1.7 billion).
 - \$379 million for FRS
 - \$1.05 billion for TSIA
 - Roughly \$250 million for Instructional Materials
 - Roughly \$170 million for Reading
 - \$300 per teacher for TCSA (\$54 million last year)
 - \$1.9 billion for the 5 above
- Create local Instructional Materials Categorical.
- Supplement vs. Supplant? Is this harder now that several categoricals have been rolled into the BSA?
 - Still need to set aside IM funds at start of year.
 - Still need a comprehensive reading plan.
- Have to Message, Message, Message.

Increased Cost of Doing Business (on a fixed income)

SB 7024 – Retirement

- Discussed Above.
- \$379 million cost to districts.

District Revenue

- Fixed by Legislature.
- Cannot raise taxes to meet new costs of doing business.

Other Costs

- Health Insurance.
- Property and Casualty Insurance.
- Utility Rates.
- Inflation.

Other Little Tidbits

HB 5101 – Conforming GAA

- Authority to address D and F schools outside collective bargaining.
- Changing the Funding Model to Better Suit <10% of the students funded by it.
- Salary Schedule Language.
 - No more 150%/100% -- 75%/100%.
 - Help with compression?

HB 7063 – Taxation

- Two school tax holidays this year.
 - July 24 – Aug. 6, 2023.
 - Jan. 1 – Jan. 14, 2024.
- Only one shot at reenacting a school sales surtax.

Rules of the State Board of Education

Adopted 7/19/2023 (25 6A rules)

- Internet Safety Policy – 6A-1.0957.
- McKinney-Vento Rule – 6A-10.088
- Principles of Professional Conduct – 6A-10.081 (classroom instruction, bathrooms, pronouns).
- Education Records – 6A-1.0955 (legal names only unless written parent approval).
- School-Sponsored Activities – 6A-10.089 (drag and donuts).
- SESIR – 6A-1.0017.
- 20 Other Rules.

Adopted 8/23/2023 (28 6A rules)

- Eligibility for Charter School Capital Outlay – 6A-2.0020.
- CAPE Industry Certification Funding List – 6A-6.0576.
- School Safety and Threat Management – 6A-1.0018 and 6A-1.0019.
- Provision of FAPE – 6A-6.03028.
- Student Online Personal Information Protection – 6A-1.09550.
- Instructional and Library Materials (plans and objections) – 6A-7.0715.
- 25 more Rules in the pipeline as of 8/31/23.

Rules of the State Board of Education

24 Rules in the Pipeline as of 9/7/23

- Statewide, Standardizes Assessment Program Requirements – 6A-1.09422.
- School and District Accountability – 6A-1.09981
- Definitions and Requirements Which Apply to All Dropout Prevention Programs – 6A-6.0521 (workshop 9/12/23).
- District K-12 Comprehensive Evidence-Based Reading Plan – 6A-6.053 (workshop 9/12/23).

Adopted 8/23/2023 (28 6A rules)

- Approval of Charter School Governance Training – 6A-6.0784.
- Library and Instructional Materials Objection Report – 6A-7.0714.
- 18 Others.

Rules of the State Board of Education

Keeping up with the DOE

- DOE Page for rules in the Pipeline:
<https://web02.fl DOE .org/rules/Default>
- Florida Administrative Register:
<https://www.flrules.org/>
 - You can register there and then create an “alert profile” to receive notices every time the DOE publishes a notice about rules or meetings.

Keeping up with the DOE

- Request Workshops at DOE page if it is listed as an option (and you plan to attend).
- DOE workshops can be in person, Zoom, Teams, GoToWebinar, conference call, or other videoconferencing options (may have discontinued use of Zoom). Registering alone is not enough to officially request that a workshop be held.

Questions?



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Other New Laws (less relevant to FASFEPA)

The Year of Deregulation?

CTE/Workforce

SB 240 – Education (career and workforce education)

- Overhaul and Revision of HB 1507 from 2021.
- Annual Career Fair at each high school (or central location for multiple schools/districts).
- Controlled Open Enrollment continuation of programs from middle to high school.
- All 9-12 students with access to at least one work-based learning opportunity.
- Career Centers (Assoc. in Applied Science and Assoc. in Science degrees) – Read section 28.
- Apprenticeship and Work-Based Learning.

Highlights/Questions/Concerns

- \$100 million appropriated.
- Anyone associated with CAPE, CTE, career centers, etc., should read bill in full.
- Master Credential List, CAPE funding, money-back guarantee, Industry Scholar diploma designation. There is a lot here.

CTE/Workforce

SB 196 – Guidance Services on Academic and Career Planning

- Also enacted in SB 240, but not identical language.
- Parent notification of acceleration options must now include academic and career planning options too. Contact info for school counselor.
- Personalized Academic and Career Plan (Xello program) – middle school, encourage to update annually.

Highlights/Questions/Concerns

- Some provisions in SB 240 not included in SB 196.
 - Requires personalized academic and career plan to be created using Florida's online system (Xello).
 - Districts must provide students and parents with information about accessing and using system.

Exceptional Student Education (ESE)

HB 19 – Individual Education Plans

- IEP team must discuss implications of student turning 18 at least one year beforehand.
- How can parents stay involved?
 - Access to Records (FERPA).
 - Power of Attorney.
 - Guardianship.
- Avoid providing legal advice.

SB 290 – Public School Student Progression for Students with Disabilities

- Parent can retain 4-year-old PreK ESE student after consulting with IEP team.
- If demonstrated deficiency in early literacy skills, must receive instruction in early literacy skills (similar to intensive reading in higher grades).

Exceptional Student Education (ESE)

HB 795 – Private Instructional Personnel

- Behavior technician no longer has to work for a Medicaid provider.
- Any behavior tech with a recognized paraprofessional certification and working under supervision of an ABA professional (BCBA, psychologist, or clinical social worker).

Other Student-Centered Laws

HB 265 – High School Equivalency Diplomas

- No classes required for 16 and 17-year-olds who pass the GED practice test.
- DOE in rule development to set passing scores and require much more.
- Law still says 16 and 17-year-olds should only get to do this “in extraordinary circumstances.”

HB 389 – Menstrual Hygiene Products in Schools

- Districts CAN make products available in schools at no charge.
 - If you do, notify students about availability and location of products (e.g., nurse’s office, restrooms, health clinic, etc.).
- No ads or logos other than brand name and product information.
- No ads or info displayed for donors.

School Choice

HB 1259 – Charter School Capital Outlay Funding

- Reversal of HB 7055 from 2018.
- Charter schools will now receive funds from 1.5 capital outlay millage even if Legislature fully funds PECO.
“Proportionate share.”
- Five-year phase in of full effect. 20% in 23-24, 40% in 24-25, etc.
- Charter board member or family member cannot have interest in school property.

Highlights/Questions/Concerns

- Potentially crippling loss for districts with a lot of deferred maintenance already.
- Capital funding is based on need, not enrollment. Taxpayers pay tax to maintain facilities they built.
- Unintended Consequences – Higher Taxes (local surtax, operational millage).
- More discussion below in Budget section.

School Calendar/Schedule

HB 733 – Middle School and High School Start Times

- Beginning July 1, 2026.
- No public middle school can start before 8:00 am.
- No public high school can start before 8:30 am.
- Engage community!!!
- Calculate costs!!!

HB 891 – Year-round School Pilot Program

- Five districts can start 4-year pilot program in 24-25.
- DOE will develop application.
- Already allowed now, so what will be different? School start date August 10th is biggest issue.

Human Resources

HB 1121 – FRS (Volunteers)

- Recent retirees can volunteer during first 12 months after retirement.
- 20% of weekly work hours.
- Document, document, document.
- Not yet signed by Governor (6/28/23).

SB 256 – Union Bill

- No more dues deductions.
- 60% membership or recertify.
- Required Forms and Statements.

School Safety

HB 543 – Public Safety

- No more requirement to obtain permit to carry.
- Threat “management.”
- Statewide process, forms, and portal.
- Threat management team composition (knowledge of student).
- SESIR (ER already adopted).
- Private schools can hire SRO/SRD or otherwise participate in safe schools.

HB 301 – Emergency Response Mapping Data

- Grant program (\$14 million).
- Districts can obtain grant to develop emergency response maps for each public school in district.
- Develop maps in consultation with local law enforcement.
- Used by first responders answering emergencies at school.

Athletics/Extracurriculars

SB 190 – Interscholastic Extracurricular Activities

- Charter and FLVS students can enter into agreement with private school to play for private school (if charter doesn't offer the sport).
- See HB 225 →

HB 225 – Interscholastic Athletics

- Same as SB 190, but also allows public school students to play for private school if public school doesn't offer the sport.
- Student who transfers out of school can continue to play at that school for rest of year. Parent responsible for transportation.
- Loudspeaker.
- Comprehensive overhaul of FHSAA.
 - Governor picks 8 of 13 board members.
 - SBE/DOE oversight of FHSAA
 - Limited power of representative assembly

LGBTQ Issues

HB 1521 – Facility Requirements Based on Sex

- Biological Trait determined at birth.
- Public restrooms, including schools, must be for exclusive use by females or males (as determined at birth) or unisex.
- Trespassing misdemeanor for adults.
- Code of Conduct.
 - Must amend it to include this new law.
 - Discipline if student enters wrong bathroom and refuses to leave when teacher, administrator, or safe schools officer asks them to.
 - Employee who refuses to leave violates Principles of Professional Conduct.
- SBE Rules.
- Reporting Requirements.

Highlights/Questions/Concerns

- How does one determine a person's biological sex at birth?
 - School personnel are not going to be conducting genital checks.
 - Is gender designation in student information system sufficient?
 - What if student presents a new birth certificate?
 - What about enforcement against adults?
- Potential conflict between state law and federal law?

FRS

SB 7024 – Retirement

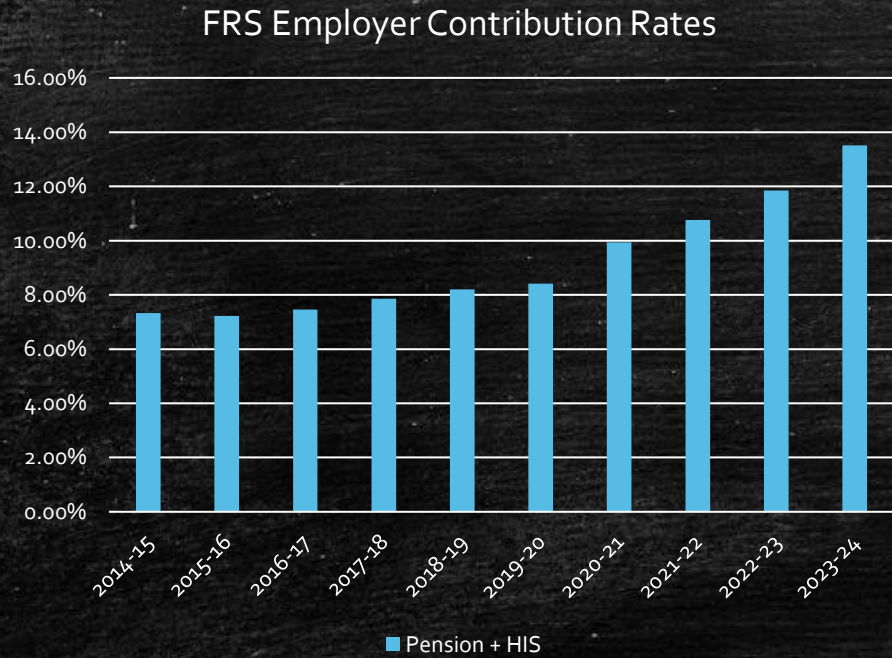
- Signed June 5, 2023.
- DROP goes from 5 years to 8 years.
 - Teachers can go up to 2 additional years, much like they could go from 3 additional years previously.
- DROP Interest Increases from 1.3% to 4%
- Health Insurance Subsidy increased (\$5 to \$7.50 or \$150 to \$225)
- \$379 million cost to districts
 - 1.32%-point increase to Regular Rate
 - 2% increase to Investment Plan
 - 0.34%-point increase to HIS
 - 2.19%-point increase to DROP

Highlights/Questions/Concerns

- What about those who worked their last day before June 5, 2023?
- Miscalculation in legislative summary.
- One of the biggest costs of doing business that is not funded, and districts are the only entities that cannot raise taxes, fees, tuition, etc., to cover the added costs.
- Do we have to throw some of these people another retirement party?

FRS

FRS Rates



Investment Plan

