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Florida Education Association

Frontline Report

2021 Legislative Session

Week 8 - Day 53

April 23, 2021

Homestretch

This has been a rollercoaster of a week for many of us in the legislative session. So far 3,132 bills have been filed, and 39 bills have passed both the House and Senate.

Celebrating the little wins

Another *Frontline*, another week filled with [HB 835](#) by Rep. Cord Byrd (R-Jacksonville Beach) and [SB 1014](#) by Sen. Dennis Baxley (R-Lady Lake). As we told you in last week's *Frontline*, it was all hands on deck as we were preparing for the fight of our lives this week in both the Senate and the House. After many weeks with [SB 78](#) by Rep. Ray Rodrigues (R-Fort Meyers) and SB 1014 being placed on the agenda of the Senate Rules Committee and then ultimately being temporarily postponed (TP'd), meaning they would not be taking it up that day, SB 1014 was once again back on the Senate Rules agenda last Tuesday. The marathon committee meeting was scheduled from 8:30 a.m. to 6 p.m. We became a little more concerned as late Monday afternoon Sen. Kelli Stargel (R-Lakeland) seemed ready to take over SB 1014 for Sen. Baxley as she filed a substitute delete-all amendment on SB 1014 making the provisions of the bill regarding PERC certification even worse than was previously filed by Sen. Baxley.

Nearly 75 educators – teachers, support staff, higher ed faculty and graduate assistants –

joined together with another 100 of our union brothers and sisters from the Communication Workers of America (CWA), the Teamsters, AFSCME and the AFL-CIO to pack the Civic Center ahead of the vote. We were so successful that of the 120 seats available in the Civic Center, all but two or three were taken by union members, with about 50 union members still waiting outside to get in. Those who were inside waiting to testify, and those outside still waiting to get into the Civic Center, cheered as Chair Kathleen Passidomo (R-Naples) finally announced around 1 p.m. that SB 1014 would be TP'd by the committee.

Not to be outdone, the House was slated to take up HB 835 on the Special Order calendar (procedurally the only way the House could take up the bill). But as HB 835 was called, and as the sponsor stood ready to present the bill, it was called TP'd by presiding Rep. Blaise Ingolia (R-Spring Hill). Watching the House floor action, you could clearly see it was a shock to the sponsor as he had no idea his bill was being TP'd, while there was an eruption of applause and emotion from the back rows where many of the Democratic legislators were prepared to fight on our behalf, as well as visible sighs of relief from many of our Republican House allies.

For our longtime *Frontline* readers, you know that nothing is a done deal until the presiding officers gavel down, and the white hankies drop, signaling *Sine Die* and the close of the legislative session. We must continue to be hypervigilant until this occurs. As we have seen far too many times in the past, a deal is struck and a “dead” bill comes back to life, or portions of the contents of bills we hate are snuck into another bill that is still moving. Rest assured, your FEA Public Policy team is working day and night, monitoring amendments being filed and are on top of all procedural move options as we tick down to the final, but very hectic days of session. **Bottom Line: We can't let up yet on [calls and emails to senators and representatives](#) until the final day of session! So please keep those [calls and emails coming](#)!** What you are doing is having a huge impact on helping your Public Policy team pick off NO votes in the Senate and House. Seven days left!

You get a voucher! You get a voucher!

This week the House passed its version of the annual voucher expansion bill Wednesday and sent it to the Senate. [HB 7045](#) expands eligibility for students who are not currently in public schools, increases the enrollment caps and raises the income eligibility for private school vouchers. The bill pays for vouchers from the Florida Education Funding Program (FEFP), taking dollars directly from public school student funding. It also reduces the audit requirements and maintains the nearly non-existent accountability standards for private schools.

Finally, it directs funds for the Teacher Salary Increase Allocation (TSA or TSIA) and other categoricals when calculating a voucher award, rather than using them for the intended purpose. When questioned about whether voucher students would be given preferential

treatment over public school students needing IEPs and evaluations, House sponsor Randy Fine (R-Palm Bay) responded that he was not interested in the problems of bureaucrats. Apparently, he is also not interested in the problem of ensuring students with disabilities can access the support they need from special education programs in our public schools, but we digress.

And on Thursday, the Senate laid their bill on the table ([SB 48](#)) and took up the House bill. Senate sponsor Sen. Manny Diaz (R-Hialeah Gardens) defended his legislation from a barrage of questions about finances and accountability, and fought off amendments that would have restored the TSIA to only public school teachers likes last year's legislation required. He also fought against increasing the credentialing requirements for teachers of students on vouchers as well as stronger accountability on voucher schools and annual audits for private schools and scholarship funding organizations receiving taxpayer funding.

The House version passed in spite of thoughtful questions and debate from Reps. Bartleman, Robinson, Woodson, Thompson, Tant, Nixon, Smith, Eskamani, Hart, Geller and Goff-Marcil. Special recognition to Reps. Bartleman and Woodson, who ran amendments and led the floor debate, pointing out the inequities in the quality of the education voucher students receive when they give up their rights to special education supports and access to qualified teachers.

In the Senate, Sens. Taddeo and Thurston ran similar amendments as the House members. Sens. Jones, Farmer, Berman, Cruz and Ausley asked questions and debated during second reading. Third reading and the final vote will take place after this newsletter has been published, but since this bill is another example of a near partisan issue, we expect the bill will pass Friday.

Secret Searches

For our *Frontline* readers who have been with us all session and for the past several sessions as well, you will remember us telling you about the proposed changes to how Florida's colleges and universities conduct their presidential searches. This legislation is back and moving closer to the finish line, for the first time in seven sessions.

[SB 220](#) by Sen. Brandes (R-St. Petersburg) has passed through its final committee stop, the Rules Committee. Currently, the hiring of a college or university president is an open and public process. However, if signed into law, the bill would create an exemption to the state's public record statutes and the hiring process would be confidential until the final pool of applicants is selected.

Many people spoke in opposition to the bill, explaining that the open hiring process allows for the college and university communities to participate and feel confident in the selection of a new president. Opponents of the bill were concerned that the new process would cast many doubts on those selected in secret.

The Rules Committee voted along party lines (9-6); the bill now heads to the Senate floor for consideration. As the bill makes changes to the public records statutes, two-thirds of the Senate must vote in favor of the bill for it to be passed. The House companion, HB 997 by Rep. Garrison (R-Orange Park), was passed by a vote of 101-16. Should the Senate pass the bill by the required two-thirds majority vote, the bill would head to the governor for his signature or veto.

In Other News

Budget Update

The latest news of budget conference is that the House and Senate agreed to bump the entire K-12 budget to the Appropriations chairs, Sen. Stargel and Rep. Trumbull, after negotiations reached an impasse. The main disagreement stems from whether the Legislature is allowed to earmark federal aid dollars. The House wants to allocate nearly all the billions in federal education dollars, with the Senate wanting to move most of the money to local school districts through the Florida Department of Education's guidelines.

With federal dollars flowing to numerous projects in the House budget, the two chambers were essentially unable to get off the ground during talks. However, the Senate released their first budget offer, which included a \$22.4 billion-dollar education spending plan and showed that the Senate is moving toward the House in some areas of education, like grants for school security and per-student funding. Sen. Broxson and Rep. Fine, the House K-12 Appropriations chair and vice chair respectively, were unable to make enough progress to agree on any specific funding areas, and Vice Chair Fine decided to bump all issues to the presiding officers. The use of federal funds will continue to be one of the major issues of the conference, especially the \$10 billion Florida will get from the American Rescue Plan's Coronavirus State Fiscal Recovery Fund, and the \$7 billion in ESSER funds. If the chambers decide to appropriate some of these funds, Florida could see its first \$100 billion budget.

As we have done in previous years, when the House and Senate finalize the budget and place it on legislators' desks for the mandatory 72-hour "cooling off period" (meaning they are supposed to actually read the budget) prior to the final vote, we'll send a quick *Frontline* filling you in on where they finally landed on all things education funding.

Early Education and VPK

Groundhog Day applies to the PreK and early education bill this week – HB 419 Early Learning and Early Grade Success by Rep. Erin Grall (R-Vero Beach) has taken many forms during session, which are covered in nearly every *Frontline* so far. This week, the bill took on yet another iteration to attempt to tie up some loose ends of the decision-making processes needed for implementation and execution. Six amendments adopted on 3rd Reading on the House floor Tuesday, gave authority to school districts to revoke participation in the VPK

program if minimum measurements are not met by public schools who offer the program, while still leaving the authority of revocation for private providers in the hands of Early Learning Coalitions. In this current form of the bill, the responsibility to set measurements for private and public school providers was laid in the lap of the Department of Education instead of independent contractors. The bill passed the House unanimously. The Senate bill is on the April 26 Special Order calendar.

Reading Endorsement and FSA use for teacher evaluations

Your Public Policy team has been fighting all session to provide instructional personnel with relief from the FSA counting toward evaluations. We have also been fighting to allow teachers who are not certified or endorsed in reading to provide intensive reading interventions out-of-field until June 30, 2022. In previous *Frontlines* you will have read about [SB 7070](#) by Sen. Joe Gruters (R-Sarasota), which included relief for the FSA for not only students and schools, but educator evaluations as well. After the release of the recent emergency order by Commissioner Corcoran, which failed to address teacher evaluations or an extension of the reading endorsement, we doubled down on our efforts to get relief through legislation. Your Public Policy team secured support from both Senate and House leadership to include these provisions in SB 7070. However, these provisions will NOT be included in the final bill because “DOE doesn’t want them.” Translation? Unless DOE has a change of heart in the next seven days, our legislative door is closing rapidly. But that doesn’t mean we won’t still fight like heck for the DOE to address these issues that directly impact educators.

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