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Florida Education Association

Frontline Report

2021 Legislative Session

Week 3 - Day 18

Mar. 19, 2021

The Perfect Storm

What do you get when the weather is nasty and so is the policy being made in Tallahassee? The perfect storm, and that's just what we got this week with more bad policy ideas moving through the Legislature as the storms rage outside.

More Attacks

Your calls and emails are working, so please don't let up now! For the second week in a row, SB 78 was not on the agenda of the Senate [Rules Committee](#). But that didn't stop the [Senate Government Oversight and Accountability Committee](#) from taking up SB 1014 by Sen. Dennis Baxley (R-Lady Lake) this week.

SB 1014 was amended in committee to now mirror its companion – [HB 835](#) by Rep. Cord Byrd (R-Jacksonville Beach). This legislation as amended would require instructional personnel unions in higher education to also meet an arbitrary 50 percent membership threshold, and require all PreK-12 instructional personnel union members to annually re-authorize their membership and eliminate their right to pay their union dues through payroll deduction.

Talk about the perfect storm – the Senate GO&A committee didn't know what hit them when more than 110 of our members, many on spring break, traveled to Tallahassee to speak in opposition to the bill. Though due to Covid-19 protocols the Senate was locked down and space was limited in the Donald L. Tucker Civic Center, we were able to get most of our members into the committee room at some point. About 60 of our members were able to speak very briefly in opposition to the bill. You could tell from the frustration on the bill sponsor's face, and the comments that Chair Ray Rodrigues (R-Fort Meyers) and Sen. Kelli Stargel (R-Lakeland) were forced to make in defense of the bill, that they were surprised by the force of our members' opposition. However, the bill passed on a party-line 3-2 vote, with Sen. Debbie Mayfield (R-Melbourne) staying silent. Thanks to Sens. Torres and Stewart (both D-Orlando) for their comments in support of educator's freedom to be a part of their union. The other committee member, Sen. Joe Gruters (R-Sarasota) was not there as he traveled home for a Covid-19 related emergency.

In other news, [HB 835](#) – the companion to SB 1014 – has been re-referenced to a new committee. The bill will now head to the [State Administration and Technology Appropriations Subcommittee](#) before it heads to the full Education and Employment Committee. So, if you haven't acted yet on the House bill with the new committee reference, we encourage you to [CLICK HERE](#) to send an email to the members of the committee to encourage them to vote against the bill. Your Public Policy team is already requesting meetings with the new committee members as well. If HB 835 comes up next week it will be on Thursday, but we won't receive the committee agenda notice until Tuesday at 4:30 p.m.

And, apparently we are being successful in angering some senators. After SB 1014 was amended, it also was re-referenced and had its second of three committee stops pulled today. SB 1014 is now in the Senate Rules Committee, and we expect it will be on the committee's agenda Thursday, March 25 – the agenda will be released Monday, March 22, and we'll know then for sure. In the meantime, **let's get those calls and emails to Senate Rules Committee members going hard and heavy** between now and Thursday! [Click here to take action!](#)

Friendly Fire?

Up Thursday in the [Senate Appropriations Committee](#) was [SB 264](#) by our “favorite Senator” Ray Rodrigues (R-Fort Meyers). The bill requires each public college and university in Florida to conduct an annual assessment related to “intellectual freedom and viewpoint diversity” and allows recordings in classrooms without prior notice or consent that recordings are being made. Pointed questions were, surprisingly, brought up from *both* sides of the aisle. Sen. Jason Pizzo (D-Miami Beach) asked a series of questions relating to the dissemination of these recordings and the underlying lack of consent and laid out a “Doogie Howser” scenario where a student under 18, either in dual enrollment or who is an early graduate from high school, may also be recorded with or without their permission or even notice. He also pointed

out that if this bill passes, anything said during class would be subject to recording. Undoubtedly, this will have a chilling effect on frank discussions in the classroom.

Sen. Jeff Brandes (R-St. Petersburg), also recognizing potential harm from this policy, asked whether a student had any rights under the bill if a student records a discussion that another student did not want shared. The bill sponsor responded that it was entirely up to the professor and the student's recording could ultimately be disseminated against their will – even if the recording took place without their knowledge. Rodrigues, with a slightly frustrated look, agreed that this was a possible scenario, to which Brandes suggested that the Board of Governors create a standardized policy through all the state universities. In the end, Sen. Rodrigues acknowledged it would be a good idea and that he would talk to the House sponsor. You could see that the sponsor was a little uncomfortable, and not prepared for the questions from that side of the aisle.

Karen Morian, UFF president, testified against the bill and eloquently pointed out the many flaws in the bill relating to the survey itself, the chilling effect in the classroom, the potential for manipulation and abuse of the recordings, and more. Despite the obvious flaws were brought out in questions, debate and testimony, the bill passed on a [12-8 party line vote](#). The next stop is the Senate floor.

Keeping You Posted

While unrelated to bills heard this week, we wanted you to know about two issues that are critical to our members:

Federal Covid-19 relief funding

This week the Florida Department of Education (DOE) notified school superintendents that the second round of CARES Act funding was available to school districts. The total funding for district use is \$2.8 billion dollars. This is in addition to the funding from the first CARES Act that was awarded right after the pandemic began. School districts are required to submit a plan to the DOE by April 12 for the use of the funds in K-12 schools. Allowable uses are similar to how local school districts spent previous CARES Act funds, but there are two caveats. First, the state appropriations process will not be completed until the end of session, and districts have been warned that if enrollment projections for the 2021-2022 school year come in under the actual student attendance, districts will be expected to make up the difference using the federal funds. Second, since these dollars are non-recurring, they must be spent by September 2023.

But this is good news for students and our members, as there are funds available to help our students and our schools recover from the effects of the pandemic. Examples of allowable uses include tutoring, after-school and summer programs, professional development, mental health services, PPE and modifications to educational facilities to prevent the spread of

infection.

The third round of federal support: the American Rescue Plan Act funding is also on the way and can also be spent to assist in the recovery of our school family. We will update you as we learn more. Like the previous two CARES act provisions, the funds can be spent for many recovery purposes with one important addition. State and districts are not allowed to spend any less on schools serving “high poverty” populations nor can the state cut K-12 or higher education spending below current spending levels for the 2022 or 2023 school years. Florida’s share for education is about \$7 billion dollars for K-12 education and more than \$2 billion for higher education. That will certainly help buffer the economic impact the pandemic has had on our state.

Possible accountability waiver request in the works?

The State Board of Education met Wednesday in Tallahassee, across town from the legislative hearings where more than 100 of our members stood in line to speak about SB 1014. (See first section of the newsletter for details.) The commissioner’s chief of staff presented a plan to apply for a state waiver from some of the federal reporting requirements related to testing and accountability. Currently, states are still required to administer their state assessments, but the waiver would allow them to forgo some of the accountability portions of the requirements. The state’s waiver draft is posted here:

<http://www.fldoe.org/core/fileparse.php/14196/urlt/AccountWaiverDraftPublicCommen.pdf>

The essence of the waiver request would exempt the state from the requirement that at least 95 percent of the students be exempted from state testing. While the federal government still requires the state tests be administered, accountability measures may be waived. The state proposes that testing occur with an extended window and school grades be published, including scores of sub-group performance. The state also proposes to continue to make chronic student absenteeism rates available, disaggregated by subgroups, and to continue support for schools previously identified for extra support. This is similar to the bills we have been supporting, [SB 886](#) by Sen. Perry Thurston (D-Fort Lauderdale) and [HB 359](#) by Rep. Robin Bartleman (D-Weston), which would waive all punitive measures from the high stakes testing the FSA results. The difference is that the Florida draft waiver does not propose waiving any state statutes including third grade retention, nor does it eliminate the use of teacher VAM scores, school and district grades, or school identification for turnaround status.

The state is required to open the draft proposal to public comment for 14 days, which will end March 31. We still have many questions about what this looks like in our schools and hope you will consider offering comments to this proposal. Next week we will provide more specifics about how to share your thoughts about this proposal.

Keep Contacting Your Legislators

With all the bad bills moving forward, it's hard to remember to contact your senator and your representatives to support the positive bills moving through the process, but this is important. Keep the conversation going at home!

Know that your Public Policy team is working closely with bill sponsors and various committee chairs and staff as the Legislature works through this process as well.

You can find your legislator's contact information here: <https://feaweb.org/issues-action/find-your-legislator/>

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