

## Committee on Education

### CS/HB 7 — Individual Freedom

by Education and Employment Committee and Rep. Avila (SB 148 by Senators Diaz and Rodrigues)

The bill includes provisions designed to protect individual freedoms and prevent discrimination in the workplace and in public schools. The bill also conforms the identification of protected classes in the law prohibiting discrimination in Florida's K-20 educational system to those identified in federal law and the Florida Civil Rights Act.

### Civil Rights in Employment and K-20 Education

The bill specifies that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity; or subjecting any K-20 public education student or employee to training or instruction, that espouses, promotes, advances, inculcates, or compels such individual to believe the following concepts constitutes an unlawful employment practice or unlawful discrimination:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.

However, training or instruction may include a discussion of such concepts if they are presented in an objective manner without endorsement.

### Required Instruction

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The bill defines individual freedoms based on the fundamental truth that all individuals are equal before the law and have inalienable rights. Accordingly, required instruction, instructional materials, and professional development in public schools must be consistent with the following principles of individual freedom:

- No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.
- No race is inherently superior to another race.
- No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
- Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.
- A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.
- A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.

The bill authorizes discussion and curricula, in an age-appropriate manner, regarding topics such as sexism, slavery, racial oppression, racial segregation, and racial discrimination. However, the bill specifies that instruction and curricula may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles of individual freedom or state academic standards.

The bill requires the State Board of Education to develop or adopt a “Stories of Inspiration” curriculum. This curriculum must consist of stories of American history that demonstrate important life skills and the principles of individual freedom that enabled individuals to prosper even in the most difficult circumstances.

The bill expands required instruction in the history of African-Americans. For example, the bill requires that African-American history instruction develop in students an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity and for nurturing and protecting democratic values and institutions.

The bill shifts the character development requirements for grades 9 through 12 and the mental and emotional health component of health education into newly required education on life skills, which specifies content intended to build confidence, support mental and emotional health, and enable students to overcome challenges.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 24-15; House 74-41*

## Committee on Education

### **CS/HB 173 — Care of Students with Epilepsy or Seizure Disorders**

by Early Learning and Elementary Education Subcommittee and Reps. Duran, Gottlieb, and others (SB 340 by Senator Garcia)

The bill (Chapter 2022-19, L.O.F.) specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders. The bill requires a school to implement an individualized seizure action plan (ISAP) once a parent submits an ISAP to the school principal and school nurse to inform school personnel of the unique health care services required by the student and how to respond in emergency situations.

The bill requires that the ISAP:

- Include specified information, such as recommended care, accommodations, symptoms, prescribed rescue medication, and contact information for medical assistance;
- Be developed by a medical professional in consultation with a parent and signed by both individuals;
- Be submitted by a parent to the school principal and school nurse or other appropriate school employee; and
- Remain in effect until the parent submits a revised ISAP.

The bill requires a school to provide employees whose duties include regular contact with a student with an ISAP with notice of the student's condition, information on providing care for the student if he or she shows symptoms of the epilepsy or seizure disorder, and parental and emergency contact information.

The bill requires a school nurse or an appropriate school employee to:

- Coordinate the provision of epilepsy and seizure disorder care, including administering medication, as outlined in a student's ISAP; and
- Verify that school employees whose duties include regular contact with a student with an ISAP have completed training in the recognition of symptoms and care of students with epilepsy and seizure disorders.

The bill requires the Department of Education to identify on its website one or more free online training courses in the care of students with epilepsy or seizure disorders provided by a nonprofit national organization.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 39-0; House 106-0*

## Committee on Education

### **CS/HB 225 — Charter School Charters**

by Early Learning and Elementary Education Subcommittee and Rep. Hawkins and others (SB 892 by Senator Burgess)

The bill modifies provisions relating to a charter agreement between a sponsor and a charter school. The bill provides that a charter may be modified at any time, rather than only during its initial or renewal term.

The bill revises provisions related to consolidating two or more charter schools. A request for the consolidation of multiple charters must be approved or denied within 60 days after submission of the request. The bill also requires that any sponsor who denies a request for consolidation must provide the charter school's governing board with the specific reasons for the denial within 10 days.

Additionally, the bill modifies the procedures and notification timeframe for terminating or non-renewing a charter. A sponsor must provide notice to a charter school of a decision to renew, terminate, other than an immediate termination, or not renew the charter before a vote and at least 90 days before the end of the school year. The bill provides for the automatic renewal of a charter if notification does not occur at least 90 days before the end of the school year.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 24-13; House 105-10*

**Committee on Education**

**HB 235 — Restraint of Students with Disabilities in Public Schools**

by Rep. Plasencia and others (SB 390 by Senators Book, Rodrigues, Gibson, and Stewart)

The bill (Chapter 2022-20, L.O.F.) prohibits the use of mechanical restraint on students with disabilities by school personnel except for school resource officers, school safety officers, school guardians, or school security guards, who may use mechanical restraint in the exercise of their duties to restrain students in grades 6 through 12.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 38-0; House 115-0*

## Committee on Education

### **SB 236 — Children with Developmental Delays**

by Senators Jones, Ausley, Powell, Berman, Taddeo, Gibson, Stewart, Bracy, Pizzo, Book, and Torres

The bill modifies the definition of a developmental delay by extending the upper age limit for the identification of a student as having a developmental delay from age 5 to age 9, the maximum age authorized by federal law, or through the completion of grade 2, whichever comes first.

Under the bill, a student with a developmental delay up to age 9 or grade 2 may be included in the definition of an “exceptional student” and eligible for admission to public special education programs. Accordingly, the bill requires the State Board of Education to adopt rules for the identification of developmental delays in students up to age 9 or grade 2, whichever comes first, who are eligible for admission to public special education programs and for related services.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 38-0; House 117-0*

## Committee on Education

### **CS/HB 255 — Private Instructional Personnel Providing Applied Behavior Analysis Services**

by Early Learning and Elementary Education Subcommittee and Reps. Plasencia, Silvers and others (CS/SB 538 by Rules Committee and Senator Hooper)

The bill expands the definition of “private instructional personnel” who may supplement school district services to students with disabilities. The bill authorizes such personnel to include a registered behavior technician who holds a nationally recognized paraprofessional certification in behavior analysis.

The bill authorizes the registered behavior technician to provide applied behavior analysis services in a public school by assisting, and under the supervision of, a Board Certified Behavior Analyst or an individual licensed under ch. 490 or 491, F.S., and requires that the registered behavior technician be employed by an enrolled Medicaid provider.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 37-0; House 115-0*

## Committee on Education

### **CS/HB 395 — “Victims of Communism Day”**

by Education and Employment Committee and Reps. Borrero, Rizo, and others (CS/SB 268 by Appropriations Committee and Senator Diaz)

The bill requires the Governor to proclaim November 7 of each year as “Victims of Communism Day.” The bill calls for public schools to suitably observe such day as a day honoring the 100 million people who fell victim to communist regimes across the world.

Beginning in the 2023-2024 school year, the bill requires high school students enrolled in the United States Government class required for a standard high school diploma to receive at least 45 minutes of instruction on “Victims of Communism Day” on topics related to communist regimes and how victims suffered under communist regimes. The State Board of Education is required by the bill to, by April 1, 2023, adopt revised social studies standards to include the new required instruction.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 115-0*



## Committee on Education

### **SB 418 — Assistive Technology Advisory Council**

by Senators Pizzo, Jones, Gruters, and Perry

The bill (Chapter 2022-18, L.O.F.) provides that a representative from another state agency that provides or coordinates services for persons with disabilities may be added to the Council if requested by a majority vote of the Council members. That representative must be appointed by the head of that state agency.

The bill aligns Council membership with federal requirements that members of the Council be geographically representative of the state, and reflect the diversity of the state's population with respect to race, ethnicity, age, gender, type of disability, and type of disability-related services and devices received.

The bill directs the Council to elect a single chair of the council. The bill maintains the limit of two consecutive terms for members, but revises the number of years a council member must be retired from the Council after two terms to be reappointed, from one year to three years.

The bill deletes the requirement that Council members form a technology awareness committee and a public policy and advocacy committee, and also removes the interagency committee, assigning the duties of the committee to the members representing state agencies. Council members are also authorized to participate in fundraising activities on behalf of the Council.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 39-0; House 113-0*

## Committee on Education

### **CS/HB 461 — Florida Bright Futures Scholarship Program Student Service Requirements**

by Post-Secondary Education and Lifelong Learning Subcommittee and Reps. Melo, Valdes, and others (CS/SB 1060 by Education Committee and Senator Hutson)

The bill modifies the eligibility requirements for the Bright Futures Scholarship Program to include an option for students to use paid work hours in lieu of volunteer hours to qualify for a scholarship. Specifically, students graduating in the 2022-2023 academic year and thereafter may qualify for a Florida Academic Scholars, Florida Medallion Scholars, Florida Gold Seal Vocational Scholars, or Florida Gold Seal CAPE Scholars award through volunteer hours specified in law, or through 100 hours of paid work.

The paid work hours must meet the requirements for volunteer hours, including documentation in writing of paid work hours and a student evaluation and reflection upon his or her volunteer service or paid work experience through papers or other presentations. The bill also makes it optional for a student to identify a social or civic issue or a professional area and develop a plan for personal involvement or learning about the area.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 35-3; House 119-0*

## Committee on Education

### **CS/SB 520 — Public Records and Public Meetings**

by Governmental Oversight and Accountability Committee and Senators Brandes and Rodrigues

The bill (Chapter 2022-15, L.O.F.) makes confidential and exempt from public disclosure requirements any personal identifying information of an applicant for the position of president of a state university or Florida College System (FCS) institution held by a state university or an FCS institution.

The bill provides that the personal identifying information of an applicant included in a final group of applicants for president is no longer confidential and exempt from public records requirements beginning at the earlier of the date the final group of applicants to be considered for president is established or at least 21 days before either an interview of an applicant or final action on the offer of employment.

The bill also exempts from open meeting requirements any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or FCS institution, including any portion of a meeting that would disclose personal identifying information of such applicants. However, the meeting exemption does not apply to any portion of a meeting held for the purpose of establishing qualifications for the position or establishing any compensation framework to be offered to an applicant. Additionally, any meeting held after a final group of applicants has been established must be open to the public.

The bill requires a complete recording to be made of any portion of a closed meeting, and prohibits any closed portion of a meeting from being held off the record. The recording of the closed portion of a meeting is also exempt from the public disclosure requirements.

The exemptions established in the bill expire on October 2, 2027, unless saved from repeal by the Legislature.

These provisions became law upon approval by the Governor on March 15, 2022.

*Vote: Senate 28-11; House 86-26*

**Committee on Education**

**SB 638 — Early Childhood Music Education Incentive Pilot Program**

by Senator Perry

The bill extends the scheduled expiration of the Early Childhood Music Education Incentive Pilot Program from June 30, 2022, to June 30, 2023.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 37-0; House 112-0*

## Committee on Education

### CS/CS/SB 758 — Education

by Appropriations Committee; Education Committee; and Senator Diaz.

The bill modifies and establishes provisions relating to charter school authorization, facilities, sponsor oversight, and distribution of funds. The bill also expands the current authorization for district school board members or charter school governing board members to visit schools under their jurisdiction to specify that any member of the Legislature may visit any public school in his or her legislative district.

#### Charter School Authorization

The bill creates the Charter School Review Commission (CSRC), subject to an appropriation, and requires the State Board of Education to appoint the membership, confirmed by the Senate. Additionally, the CSRC:

- Is provided the same powers as a sponsor in regard to reviewing and approving charter schools.
- Must consider in its review input from the district school board of the school district where the proposed charter school will be located, which must serve as the sponsor and supervisor of an approved charter school.
- Decisions may be appealed to the State Board of Education.

The bill creates, subject to appropriation, the Florida Institute for Charter School Innovation (institute) at Miami Dade College (MDC). The purpose of the institute is to improve charter school authorization in this state. Duties include analyzing charter school applications and identifying best practices, providing technical assistance to sponsors, conducting research and workshops, and collaborating with the Department of Education in developing a sponsor evaluation framework.

#### Charter School Facilities

The bill provides that an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts is void and unenforceable. A charter school may use an interlocal agreement, including provisions relating to the extension of infrastructure, entered into by a school district for the development of district schools.

The bill provides that any entity that contributes toward the construction of charter school facilities created to mitigate the educational impact of residential development must receive credit toward any educational impact fees or exactions to the extent that the entity has not received credit under school concurrency requirements for such contribution.

The bill specifies that any facility or land owned by a public postsecondary institution or facility used as a school or childcare facility may be used as a charter school without obtaining a special exemption from existing zoning and land use designations.

The bill directs the Office of Program Policy and Government Accountability to complete, by January 1, 2023, an analysis of the distribution of capital outlay and federal funds to charter schools.

### **Sponsor Oversight**

The bill provides that a charter school that receives a school grade lower than a “B” in the most recent graded school year, and has met the terms of its program review with no grounds for nonrenewal being expressly found, must be granted no less than a 5-year charter renewal, subject to specified school grade provisions. The bill requires a 15-year charter renewal for a charter school that has received a school grade of “A” or “B” in the most recent graded school year and meets other specified conditions.

The bill specifies that a charter school must be under a deteriorating financial condition or financial emergency in order for a sponsor to not renew or terminate a charter for fiscal mismanagement. The bill also removes “other good cause shown” as a grounds for the termination or nonrenewal of a charter school.

### **Distribution of Funds**

The bill modifies the Teacher Salary Increase Allocation in the Florida Education Finance Program (FEFP) to require that if a school district has not received its allocation due to its failure to submit an approved district salary distribution plan, each charter school within its district that has submitted a salary distribution plan must be provided its proportionate share of the allocation. The bill also prohibits a sponsor from withholding any administrative fee against a charter school for funds specifically allocated by the Legislature for teacher compensation

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 27-11; House 86-28*

THE FLORIDA SENATE  
2022 SUMMARY OF LEGISLATION PASSED  
**Committee on Education**

**CS/SB 1048 — Student Assessments**

by Appropriations Committee and Senators Diaz and Rodrigues

The bill (Chapter 2022-16, L.O.F.) substantially changes Florida’s statewide standardized assessment program to include a statewide coordinated screening and progress monitoring (CSPM) tool to replace the Florida Standards Assessment.

**Statewide Standardized Assessment Program**

The bill modifies the statewide standardized assessment program to include a CSPM system, but maintains the statewide standardized science assessment and the end-of-course (EOC) assessments in Algebra 1, Geometry, Biology I, United States History, and Civics.

The bill specifies the implementation of English Language Arts (ELA) grades 3-10 and mathematics grades 3-8 assessment and progress monitoring, beginning in the 2022-2023 school year, which must include:

- A screening and progress monitoring assessment administered at the beginning and middle of the school year, which must:
  - Measure student progress in meeting ELA and mathematics standards.
  - Be a computer-based assessment that can identify students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia, and in mathematics.
  - Provide results to teachers within 1 week and parents within 2 weeks.
- An end-of-year assessment administered in the spring, the results of which will replace the Florida Standards Assessment (FSA) to be used for accountability purposes in grade three retention, high school graduation, school grades, and school improvement ratings.

In addition, the bill deletes the requirement that the standardized statewide assessment system offer a paper-based administration, and requires that, beginning with the 2023-2024 school year, the CSPM be computer-adaptive.

The bill requires the SBE to adopt a new assessment schedule for the CSPM that incorporates the beginning and middle of the year administrations, and the comprehensive end-of-year assessment. The bill requires that, beginning in the 2023-2024 school year, assessment results for the end-of-year assessments in ELA and mathematics be made available no later than May 31.

**School District Requirements**

The bill requires school districts to provide results from district-required local assessments to parents and teachers within one week of the administrations. When reporting the results from the CSPM, the bill requires the results to be easy to comprehend, and must include resources to help parents understand the CSPM system. Further, the bill requires school districts to provide results of the CSPM system in a web-based option for parents and students to securely access student

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assessment data and review their student's individual student reports. A printed report must also be available upon request.

### **Assessment Study**

The bill requires the commissioner, by January 31, 2025, to make recommendations related to the CSPM system in the following areas, based on a third-party review:

- The validity of using progress monitoring assessments 1 or 2, or both, in place of using the comprehensive end-of-year progress monitoring assessment for accountability purposes.
- Options to reduce the assessment footprint while maintaining valid and reliable data, including the use of computer-adaptive assessments.
- The feasibility of remote administration of assessments.
- Accelerating student progression based on CSPM results.
- Incorporation of state-adopted ELA instructional materials into the CSPM system.
- The impact of the CSPM system on student learning growth data for the purposes of personnel evaluations.

### **Transition**

The bill provides for a 1-year transition period, during which the calculation of school grades and school improvement ratings for the 2022-2023 school year are based on the new statewide, standardized assessments. The 2022-2023 school grades will serve as an informational baseline for schools to work toward improved performance in future years.

The bill provides hold-harmless provisions relating to school grades or school improvement ratings during the transition. A school will not be required to enter turnaround based on its 2022-2023 school grades, but may exit turnaround with a grade of "C" or higher in that year. A school or provider is not subject to penalties and may not lose a high-performing designation based on 2022-2023 school grades. Additionally, school improvement ratings will not be calculated for the 2022-2023 school year.

Finally, the bill replaces references to "Next Generation Sunshine State Standards" with "state academic standards."

These provisions were approved by the Governor and take effect on July 1, 2022, except as otherwise provided.

*Vote: Senate 38-0; House 110-0*



## Committee on Education

### **SB 1054 — Financial Literacy Instruction in Public Schools**

by Senators Hutson, Pizzo, Berman, Baxley, Simpson, Albritton, Ausley, Bean, Book, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Garcia, Gibson, Gruters, Harrell, Hooper, Jones, Mayfield, Passidomo, Perry, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Torres, and Wright

The bill (Chapter 2022-17, L.O.F.) establishes the “Dorothy L. Hukill Financial Literacy Act,” and requires that, beginning with students entering grade 9 in the 2023-2024 school year, students must earn one-half credit in personal financial literacy and money management in order to receive a standard high school diploma. The bill accordingly reduces the amount of required credits in electives for such students from 8 to 7.5.

The bill requires that, beginning in the 2023-2024 school year and thereafter, financial literacy standards within the Next Generation Sunshine State Standards must include content specific to, at a minimum, personal financial literacy and money management and include topics specified in the bill.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 39-0; House 117-0*

## Committee on Education

### **CS/CS/CS/HB 1421 — School Safety**

by Education and Employment Committee; Secondary Education and Career Development Subcommittee; Early Learning and Elementary Education Subcommittee; and Reps. Hawkins, Hunchofsky, and others (CS/SB 802 by Appropriations Committee and Senators Gruters, Perry, Polsky, and Rodrigues)

The bill addresses school safety and security recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission (MSD Commission). The bill improves transparency around school safety and security and addresses student mental health by:

- Requiring the Office of Safe Schools (OSS) to develop a model family reunification plan that guides family reunification when K-12 public schools are closed or unexpectedly evacuated due to natural or manmade disasters, and requiring district school boards and charter school governing boards to adopt a reunification plan.
- Requiring that the State Board of Education adopt rules setting requirements for emergency drills including timing, frequency, participation, training, notification, and accommodations, and requiring that law enforcement officers responsible for responding to schools in the event of an assailant emergency be physically present and participate in active assailant drills.
- Requiring the Department of Education (DOE) to annually publish school safety and environmental incident reporting data in a uniform, statewide format that is easy to read and understand.
- Requiring safe-school officers that are sworn law enforcement officers to complete mental health crisis intervention training, and requiring safe-school officers that are not sworn law enforcement officers to receive training on incident response and de-escalation.
- Requiring that school district and local mobile response teams use the same suicide screening tool approved by the DOE.
- Requiring that school districts annually certify, beginning July 1, 2023, that at least 80 percent of school personnel received the mandatory youth mental health awareness training.
- Requiring the OSS to maintain a directory of public school diversion programs, providing to school districts information on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information, and providing a similar notification to users of the FortifyFL system.

The bill extends the sunset date of the MSD Commission until July 1, 2026, for the purpose of monitoring implementation of school safety legislation, and specifies additional duties. The bill also requires the Commissioner of Education to oversee and enforce school safety and security compliance in the state.

If approved by the Governor, these provisions take effect July 1, 2022, except as otherwise provided.

*Vote: Senate 39-0; House 115-0*

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## Committee on Education

### **CS/HB 1467 — K-12 Education**

by Appropriations Committee and Rep. Garrison and others (CS/SB 1300 by Education Committee and Senator Gruters)

The bill (Chapter 2022-21, L.O.F.) establishes 12 year terms limits for school board members, and modifies school district requirements for instructional materials, including instructional materials in school libraries and media centers to provide increased oversight over, and public access to, all materials used in instruction.

#### **School Board Member Term Limits**

The bill establishes term limits of 12 years for school board members. A person may not appear on the ballot for reelection as a school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for 12 consecutive years. The term limits begin with the November 8, 2022, election, allowing current school board members to serve an additional 12 years.

#### **Public Participation in the Instructional Materials Review Process**

The bill requires that each district school board that holds meetings of committees convened for the purpose of selecting instructional materials for recommendation to the district school board must be noticed and open to the public, and must include parents of district students. Additionally, the bill modifies the requirement that each school district publish on its website a list of all instructional materials to include those used for specified required instruction.

A district school board must also:

- Provide access to all materials, excluding teacher editions, at least 20 calendar days before the district school board takes any official action on such materials. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption;
- Select, approve, adopt or purchase materials as a separate line item on the agenda, rather than on a consent agenda, and must provide a reasonable opportunity for public comment; and
- Submit to the Commissioner of Education (commissioner), beginning June 30, 2023, an annual report that identifies:
  - Each material for which the school district received an objection in the school year and the specific objections;
  - Each material that was removed or discontinued as a result of an objection, by grade level and course.

The bill requires the Department of Education (DOE) to publish and update a list of materials that were removed or discontinued by district school boards as a result of an objection and disseminate the list to school districts for consideration in their instructional materials selection.

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The bill requires each superintendent to identify, in the annual certification to the commissioner for the release of funds for instructional materials, any material that received an objection and the grade-level and course for which a removed or discontinued material was used.

### **Materials in School District Libraries and Media Centers**

The bill requires that each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate. The bill requires the DOE to develop an online training program for librarians and media specialists, which includes training on materials in school library media centers and reading lists, to be made available no later than January 1, 2023. After that date, personnel involved in the selection of school district library materials and reading lists must complete the training program developed by the DOE. Additionally, the bill requires each superintendent, beginning July 1, 2023, to annually certify to the commissioner that all school librarians and media center specialists have completed the online training program.

Each public elementary school is required by the bill to publish on its website a list of all materials maintained in the school library or required as part of a booklist used in a classroom. In addition, each district school board is required to adopt and post on the website procedures for developing library media center collections. At a minimum, the procedures must:

- Require book selections to be free of pornography and prohibited materials harmful to minors, suited to student needs, and appropriate for the grade level and age group;
- Require consultation of reputable, professionally recognized sources and school community stakeholders for each selection;
- Provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty; and
- Provide for the regular removal or discontinuance of books based on factors specified in the bill, including those removed because of an objection by a parent or resident of the county.

The bill provides that school principals are responsible for overseeing compliance with school library media center materials selection procedures at the school in which they are assigned.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 24-15; House 79-41*

**Committee on Education**

**SB 1552 — Direct-support Organization for the Florida Prepaid College Board**

by Senator Gruters

The bill removes the scheduled repeal of the Stanley G. Tate Florida Prepaid College Foundation, which is a direct-support organization for the Florida Prepaid College Board created to administer the Florida Prepaid Tuition Scholarship Program and other scholarship programs approved by the Florida Prepaid College Board.

If approved by the Governor, these provisions take effect July 1, 2022.

*Vote: Senate 39-0; House 113-0*

## Committee on Education

### **CS/CS/HB 1557 — Parental Rights in Education**

by Judiciary Committee; Education and Employment Committee; Rep. Harding and others (SB 1834 by Senator Baxley)

The bill (Chapter 2022-22, L.O.F.) reinforces a parent’s fundamental right to make decisions regarding the care and upbringing of his or her child in the public school setting. The bill requires each district school board to adopt procedures for notifying a student’s parent if there is a change in services or monitoring related to the student’s mental, emotional, or physical health or well-being. All procedures adopted under the bill must require school district personnel to encourage a student to discuss issues related to his or her well-being with his or her parent.

The bill prohibits a school district from maintaining procedures that require school district personnel to withhold from a parent, or encourage a student to withhold, information related to a student’s mental, emotional, or physical health or well-being. School district procedures may authorize school district personnel to withhold information only for a reasonable belief that disclosure would subject the student to abuse, abandonment, or neglect.

The bill prohibits classroom instruction on sexual orientation or gender identity in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students.

At the beginning of each school year, a school district must notify parents of all healthcare services offered at their student’s school and provide parents the opportunity to individually consent to, or decline, each service. Additionally, schools may not administer a well-being questionnaire or health screening form to a student in kindergarten through grade 3 without first receiving consent from the student’s parent.

The bill requires each school district to adopt procedures for a parent to notify the principal of concerns regarding the provisions in the bill, and the process for resolving concerns within seven days of the complaint. The bill specifies that, if the complaint is not resolved by the school district after an additional 30 days, a parent may:

- Request the Commissioner of Education appoint a special magistrate who meets qualifications established in the bill. The special magistrate must recommend a resolution to the State Board of Education (SBE) within 30 days. The SBE must approve or reject the recommendation between 7 and 30 days after the recommendation. The school district must pay the costs of the special magistrate.
- Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates the provision in the bill and seek injunctive relief. A court may award damages and must award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

The bill requires all school district student support services training to adhere to guidelines, standards, and frameworks established by the Department of Education (DOE). By June 30,

2023, the DOE must review and update, as necessary, all relevant guidelines, standards, and frameworks for compliance with the bill.

These provisions were approved by the Governor and take effect on July 1, 2022.

*Vote: Senate 22-17; House 69-47*



**Committee on Education**

**SB 7004 — OGSR/Technology Systems/State University or a Florida  
College System Institution**

by Education Committee

The bill (Chapter 2022-9, L.O.F.) saves from repeal the public records and public meetings exemption for certain information held by a state university or Florida College System institution related to information technology (IT) security or potential breaches of security, as well as IT security program risk assessments, evaluations, and audits held by the institution.

These provisions were approved by the Governor and take effect on October 1, 2022.

*Vote: Senate 35-0; House 118-0*

## Committee on Education

### **SB 7006 — OGSR/Campus Emergency Response**

by Education Committee

The bill postpones the scheduled repeal of the public record exemption and public meeting exemption for a campus emergency response held by a public postsecondary educational institution, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management, which will repeal on October 2, 2022, if this bill does not become law. The bill postpones the scheduled repeal to October 2, 2024.

The bill narrows the exemptions to provide that identification of staff involved in emergency preparedness, response, and recovery activities is exempt instead of staffing information generally. It also narrows the exemption to provide that the individual identification of students, faculty and staff applies to those persons affected or at-risk before, during, or after an emergency, and that the exemption for the transfer of records applies to the same group of individuals.

If approved by the Governor, these provisions take effect October 1, 2022.

*Vote: Senate 35-3; House 109-0*

## Committee on Education

### **SB 7044 — Postsecondary Education**

by Education Committee and Senators Diaz and Rodrigues

The bill establishes requirements related to postsecondary education post-tenure review and institution accreditation, provides additional transparency for student fees and textbooks and instructional materials, and modifies requirements relating to transfer of credit.

#### **Post-Tenure Review**

The bill authorizes the Board of Governors (BOG) to adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every five years and specifies considerations the regulation must address.

#### **Accreditation**

The bill requires, by September 1, 2022, the BOG and State Board of Education (SBE), as applicable, to identify and determine the accrediting agencies or associations recognized by the United States Department of Education (USDOE) that are best suited to serve as an accreditor for public postsecondary institutions. The bill prohibits a public postsecondary institution from being accredited by the same accrediting agency or association for consecutive accreditation cycles. Programs with specific accreditation requirements are exempt from this requirement.

The bill requires, in the year following reaffirmation or fifth-year review, each public postsecondary institution seek and obtain accreditation from an accrediting agency or association identified by the BOG or SBE, respectively, before its next reaffirmation or fifth-year review date. A public postsecondary institution must initially seek regional accreditation and must provide to the BOG or SBE quarterly reports of its progress. If the institution is not granted candidacy status by any of the regional accrediting agencies or associations, the institution must seek accreditation by another agency or association recognized by the USDOE. The bill authorizes a public postsecondary institution to remain with its current accrediting agency or association if the institution is not granted candidacy by an accrediting agency or association before its next reaffirmation or fifth-year review date.

The bill also provides a cause of action for any public postsecondary institution, or nonpublic postsecondary education institution that receives state funds, that is negatively impacted by a retaliatory action by its accrediting agency or association.

The accreditation provisions in the bill expire on December 31, 2032.

#### **Transparency of Instructional Materials and Student Fees**

The bill requires additional information about textbooks and instructional materials that each Florida College System (FCS) institution and state university must post at least 45 days before

the first day of class for each term, to include syllabus information for general education core courses. The bill also establishes transparency requirements for an FCS institution and state university to prominently post all tuition and fees, and email to enrolled students any notice of a proposed change to tuition and fees. Any FCS institution or state university proposal or action to increase a fee is subject to an extraordinary vote by the applicable system governing board.

### **Course Information and Transfer of Credit**

The bill revises the maintenance requirements and course information that must be included in the statewide course numbering system (SCNS). The bill requires the SBE to adopt rules governing the SCNS procedures, collection of course information, publication of course information, and faculty discipline committee reviews.

Additionally, the bill requires certain postsecondary education institutions receiving general education course credit in transfer to apply the credit to general education core course requirements and other general education requirements before applying as elective credit.

If approved by the Governor, these provisions take effect July 1, 2022, unless otherwise provided.

*Vote: Senate 22-15; House 77-40*