

<b>Tab 2</b>	<b>SB 148</b> by <b>Diaz</b> ; (Similar to H 00007) Individual Freedom
<b>Tab 3</b>	<b>SB 340</b> by <b>Garcia</b> ; (Similar to H 00173) Care of Students with Epilepsy or Seizure Disorders
<b>Tab 4</b>	<b>SB 490</b> by <b>Stewart (CO-INTRODUCERS) Bracy, Berman, Jones</b> ; (Identical to H 00281) Required Instruction in the History of Asian Americans and Pacific Islanders
<b>Tab 5</b>	<b>SB 1034</b> by <b>Gruters</b> ; (Similar to H 06067) William L. Boyd, IV, Effective Access to Student Education Grant Program
<b>Tab 6</b>	<b>SB 1122</b> by <b>Gainer</b> ; (Similar to H 00991) Student Fees
<b>Tab 7</b>	<b>SB 1294</b> by <b>Gruters</b> ; Individual Education Plan Meetings

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**EDUCATION**  
**Senator Gruters, Chair**  
**Senator Jones, Vice Chair**

**MEETING DATE:** Tuesday, January 18, 2022  
**TIME:** 11:00 a.m.—12:30 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Gruters, Chair; Senator Jones, Vice Chair; Senators Berman, Bradley, Broxson, Diaz, Hutson, Passidomo, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on the State University System MyFloridaFuture Tool		
2	<b>SB 148</b> Diaz (Similar H 7)	Individual Freedom; Providing 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 that espouses, promotes, advances, inculcates, or compels such individual to believe specified concepts constitutes discrimination based on race, color, sex, or national origin; revising the requirements for required instruction on health education; prohibiting instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles, etc.  ED 01/18/2022 RC	
3	<b>SB 340</b> Garcia (Similar H 173)	Care of Students with Epilepsy or Seizure Disorders; Providing for the creation of an individualized seizure action plan for a student with epilepsy or seizure disorders to receive health care at school; requiring school nurses or appropriate school employees to coordinate the care of such students and ensure that specified training is provided to specified school employees and individuals; requiring school districts to provide specified information and training to school bus drivers who transport students with epilepsy or seizure disorders; providing immunity from liability under certain conditions, etc.  ED 01/18/2022 AED AP	
4	<b>SB 490</b> Stewart (Identical H 281)	Required Instruction in the History of Asian Americans and Pacific Islanders; Requiring the history of Asian Americans and Pacific Islanders to be included in specified instruction, etc.  ED 01/18/2022 AED AP	

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Tuesday, January 18, 2022, 11:00 a.m.—12:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 1034</b> Gruters (Similar H 6067)	William L. Boyd, IV, Effective Access to Student Education Grant Program; Revising the institutions a student must attend to receive a William L. Boyd, IV, Effective Access to Student Education grant to include certain for-profit independent colleges and universities, etc.	ED 01/18/2022 AED AP
6	<b>SB 1122</b> Gainer (Similar H 991)	Student Fees; Authorizing a district school board or Florida College System institution board of trustees, in consultation with specified entities, to implement a plan for a differential out-of-state fee; authorizing a Florida College System institution board of trustees, in consultation with specified entities, to implement a plan for a differential out-of-state fee, etc.	ED 01/18/2022 AED AP
7	<b>SB 1294</b> Gruters	Individual Education Plan Meetings; Authorizing a parent of a public school student to audio or video record any meeting with his or her child's individual education plan (IEP) team; requiring the parent to notify the school district in writing a specified time in advance of his or her intent to record the meeting; providing that parents have the right to audio or video record meetings with their child's IEP team, etc.	ED 01/18/2022 GO RC

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Other Related Meeting Documents

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**MyFloridaFuture**

**Senate Committee on Education**

**Marshall M. Criser III, Chancellor**

**January 18, 2022**

**[www.flbog.edu](http://www.flbog.edu)**

Section 1006.751, *Florida Statutes*  
**State University Career Planning & Information**

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**Requires online dashboard to present data for**

- Post-graduation median salary 1, 5, & 10 years after graduation
- Median student loan debt
- Debt-to-income ratio
- Estimated monthly loan payment as a percentage of gross monthly income
- The percentage of graduates who have continued their education beyond the baccalaureate level

## MYFLORIDAFUTURE

**What is MyFloridaFuture?** | Free, online college & career planning tool accessible at [myfloridafuture.org](https://myfloridafuture.org)



**Salary Data**



**Employment Outcomes**



**Additional Credentials**



**Student Debt Information**

# Earnings Over Time

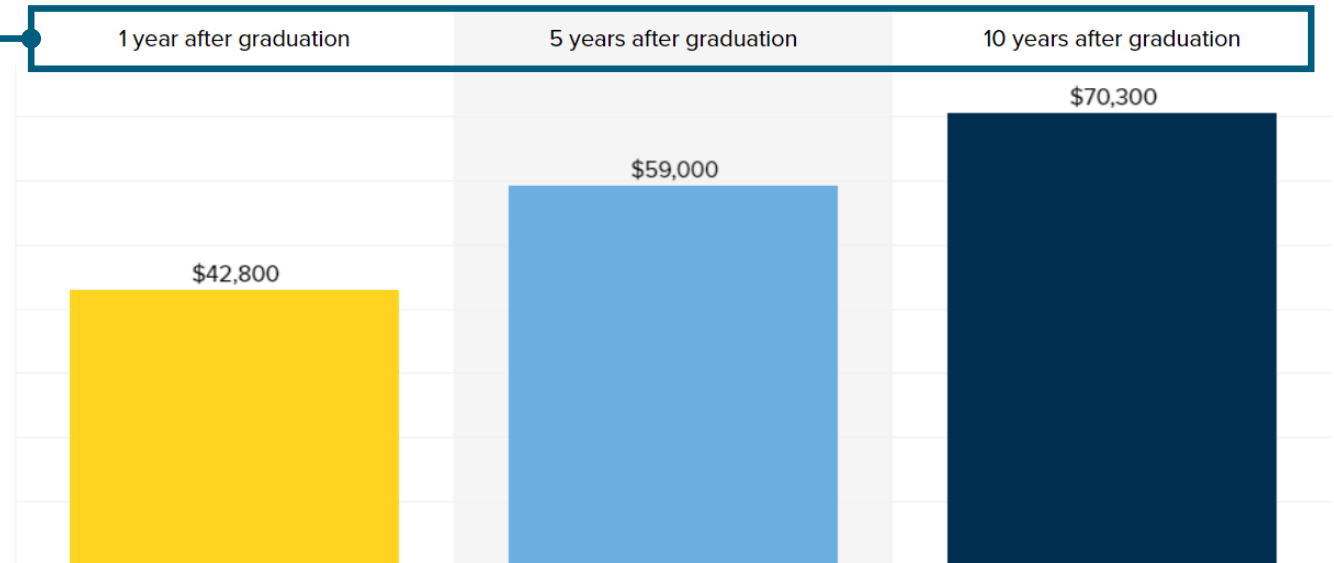


Navigation menu: Welcome to MyFloridaFuture, **Earnings over time**, Compare earnings, Beyond the bachelors, Earnings by major group, Typical loan amounts, Loans over time

Median earnings for **Bachelors** degree earners at **All institutions** 1 year, 5 years and 10 years after graduation: **All Majors**



Institution: All institutions | Degree Level: Bachelors | Major: All Majors



Notes: Chart shows median earnings for graduates found full-time. An asterisk is shown to protect the privacy of students when a selection has too few graduates (less than 10). For more, see the MyFloridaFuture technical notes.

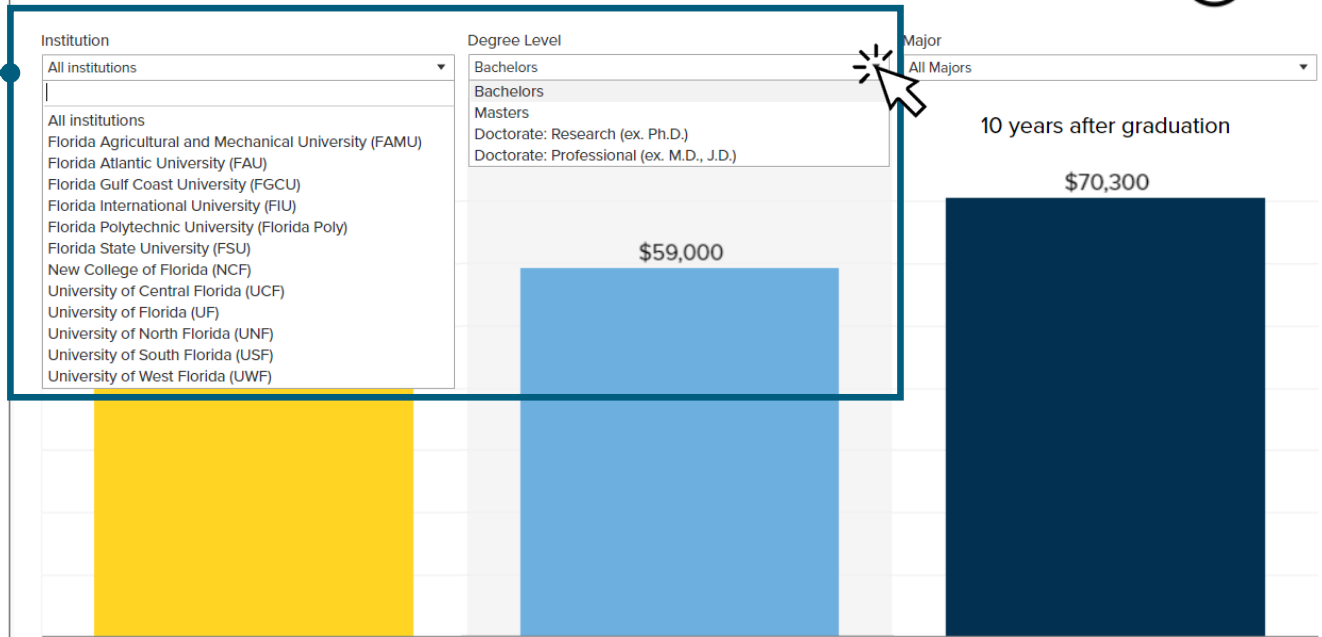
Students have the ability to view median earnings data for 1, 5, & 10 years after graduation

# Users Can Customize Visuals



- Welcome to MyFloridaFuture
- Earnings over time**
- Compare earnings
- Beyond the bachelors
- Earnings by major group
- Typical loan amounts
- Loans over time

Median earnings for **Bachelors** degree earners at **All institutions** 1 year, 5 years and 10 years after graduation: **All Majors**



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Students can select system-level or institution-level information & degree level



# All Majors Awarded are Included



Welcome to MyFloridaFuture | **Earnings over time** | Compare earnings | Beyond the bachelors | Earnings by major group | Typical loan amounts | Loans over time

Median earnings for **Bachelors** degree earners at **All institutions** 1 year, 5 years and 10 years after graduation: **All Majors**

Institution: All institutions | Degree Level: Bachelors | Major: All Majors

Time after graduation	Median Earnings
1 year after graduation	\$42,800
5 years after graduation	\$59,000

Notes: Chart shows median earnings for graduates found full-time. An asterisk is shown is shown to pot 10). For more, see the MyFloridaFuture technical notes.

- All Majors
- Accounting
- Actuarial Science
- Advertising
- Aerospace, Aeronautical and Astronautical/Space Engineering
- African-American/Black Studies
- Agribusiness/Agricultural Business Operations
- Agricultural and Food Products Processing
- Agricultural Economics
- Agricultural Engineering
- Agricultural Teacher Education
- Agriculture, General
- American/United States Studies/Civilization
- Ancient/Classical Greek Language and Literature
- Animal Sciences, General
- Anthropology
- Apparel and Textiles, General
- Applied Mathematics, General
- Architecture
- Art History, Criticism and Conservation
- Art Teacher Education
- Art/Art Studies, General
- Arts, Entertainment, and Media Management, General
- Asian Studies/Civilization
- Astronomy
- Athletic Training/Trainer
- Atmospheric Sciences and Meteorology, General
- Audiology/Audiologist and Speech-Language Pathology/Pathologist
- Banking and Financial Support Services

• Search function allows students to find their majors

List of majors will filter based on institution & degree level selections

# More Detailed Data is Included



Selection details & number of graduates

Additional wage data

Information about continuing education

Descriptions for each major

Welcome to MyFloridaFuture | **Earnings over time** | Compare earnings | Beyond the bachelors | Earnings by major group | Typical loan amounts | Loans over time

Median earnings for **Bachelors** degree earners at **All institutions** 1 year, 5 years and 10 years after graduation: **\$53,300**

Institution: All institutions  
Degree Level: Bachelors  
Cohort Year: 1 year after graduation  
Graduates (with full-time wages): 181

Major: **Bioengineering and Biomedical Engineering**  
Major Group: **Engineering**

Median Earnings (Annual): **\$53,300**  
Median Earnings (Monthly): **\$4,440**  
Percent working full-time: **66%**

Percent continuing education: **37%\***  
*\*Note: Graduates with this major are more likely to continue their education, which means a graduate degree (masters, doctorate) may be needed to reach their full earnings potential.*

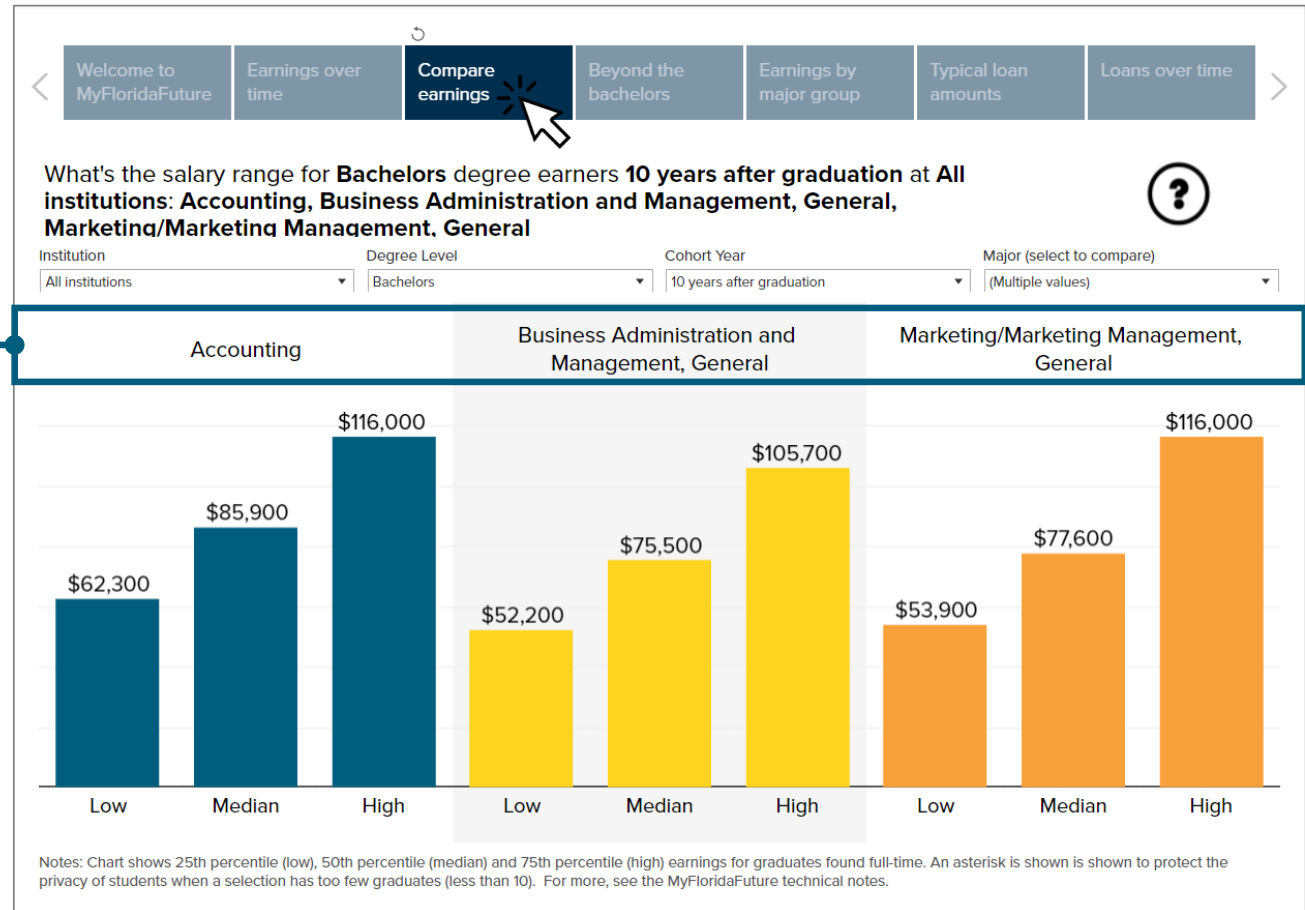
Definition for **Bioengineering and Biomedical Engineering** major:  
A program that prepares individuals to apply mathematical and scientific principles to the design, development and operational evaluation of biomedical and health systems and products such as integrated biomedical systems, instrumentation, medical information systems, artificial organs and prostheses, and health management and care delivery systems.

Notes: Chart shows median earnings for graduates found full-time. An asterisk is shown to protect the privacy of students when a selection has too few graduates (less than 10). For more, see the MyFloridaFuture technical notes.

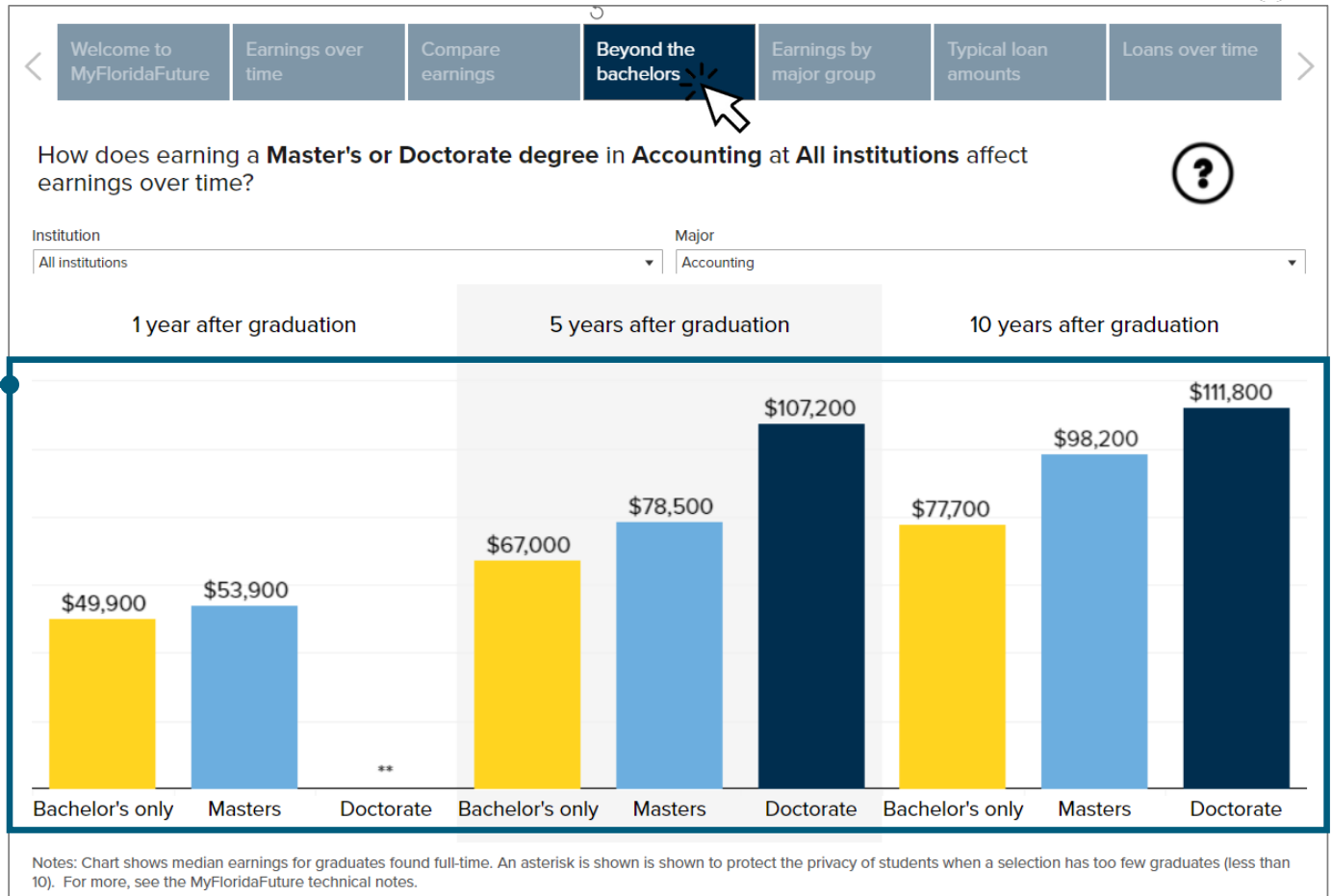
# Compare Earnings



Students can compare the low, median, & high earnings for multiple majors



# Beyond the Bachelor's



Students can see how earnings increase over time with & without additional credentials

# Typical Loan Amounts



Students can view the percentage of graduates with loans

53% of all students graduated without any loans!

Welcome to MyFloridaFuture | Earnings over time | Compare earnings | Beyond the bachelors | Earnings by major group | **Typical loan amounts** | Loans over time

What is the typical loan amount for students with a **Bachelor's** degree in **All Major Groups** in 2017-18 & 2018-19?

Major Group: All Major Groups

53%	graduated with \$0 in loans
11%	graduated with \$1-10k in loans
10%	graduated with \$10k-20k in loans
26%	graduated with \$20k+ in loans

Why do some students have more loans than others?

There are many factors that impact the amount of loans a student may need to pay for college. Roll over the items below to learn more...

- Financial Aid
- Time to Degree
- Tuition & Fees
- Financial / Family Need
- Living expenses

Notes: Student loan amounts represent those received by first-time-in-college (FTIC) Florida resident undergraduates who completed a bachelor's degree in 2017-18 and 2018-19. An asterisk is shown to protect the privacy of students when a selection has too few graduates (less than 10). For more, see the MyFloridaFuture technical notes.



Context is provided to explain why student loan amounts vary

Welcome to MyFloridaFuture | Earnings over time | Compare earnings | Beyond the bachelors | Earnings by major group | **Typical loan amounts** | Loans over time

What is the typical loan amount for students with a **Bachelor's** degree in **All Major Groups** in 2017-18 & 2018-19?

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**Why do some students have more loans than others?**

There are many factors that impact the amount of loans a student may need to pay for college. Roll over the items below to learn more...

Financial Aid | Time to Degree | **Tuition & Fees** | Financial / Family Need | Living expenses

Notes: Student loan amounts represent those received by first-time-in-college students when a selection is made. An asterisk is shown to protect the privacy of students when a selection is made.

Did you know tuition and fees at public universities in Florida is 2nd lowest in the nation! Also, Florida is the only state in the nation that hasn't increased tuition and fees since 2013-14.

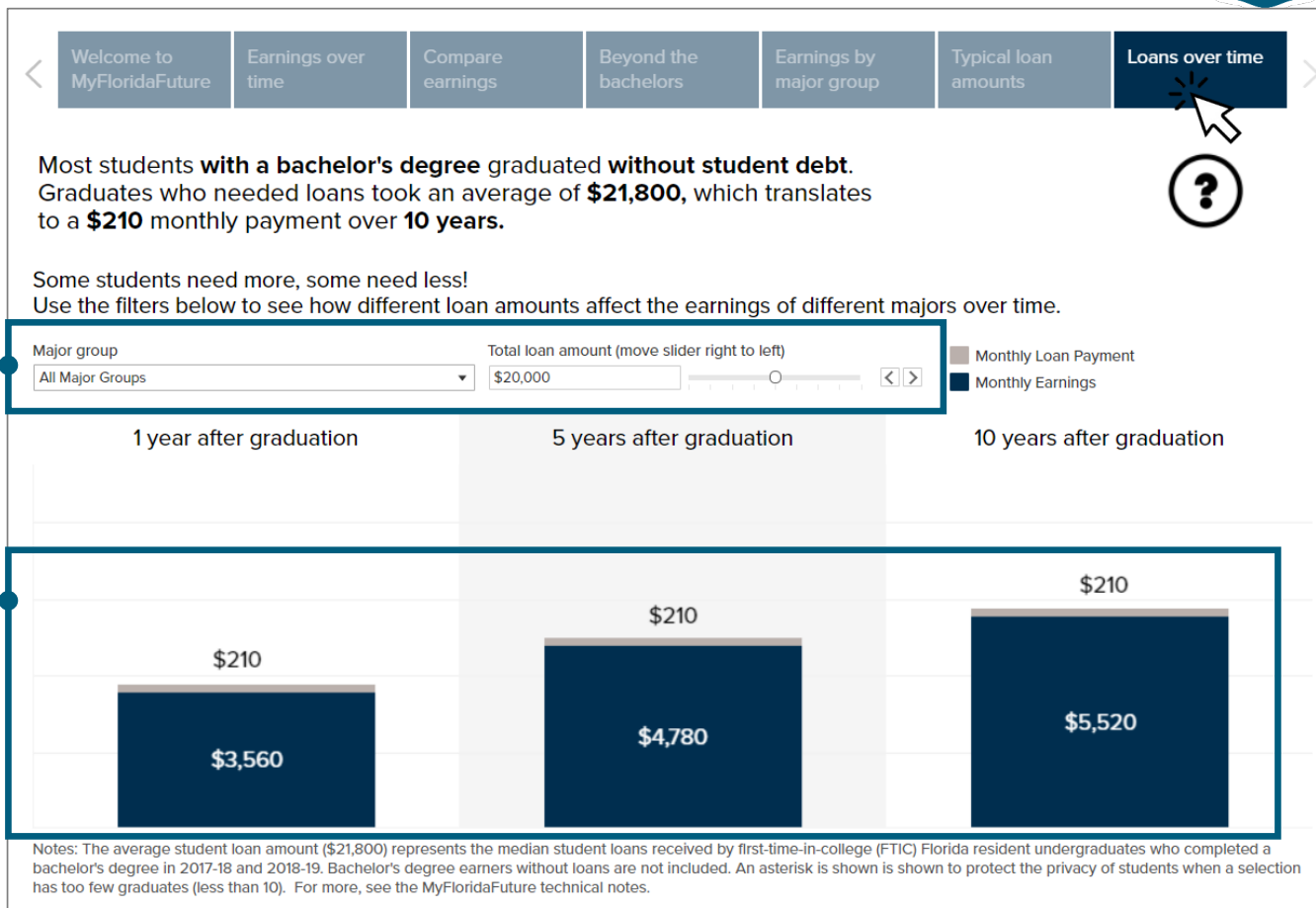
While tuition and fees are roughly the same at our 12 public universities, some students opt to take courses at one of our 28 state and community colleges and transfer the credits. Yet another way to make earning a degree more affordable!

# Estimated Monthly Loan Payments



Students can choose their major & loan amount...

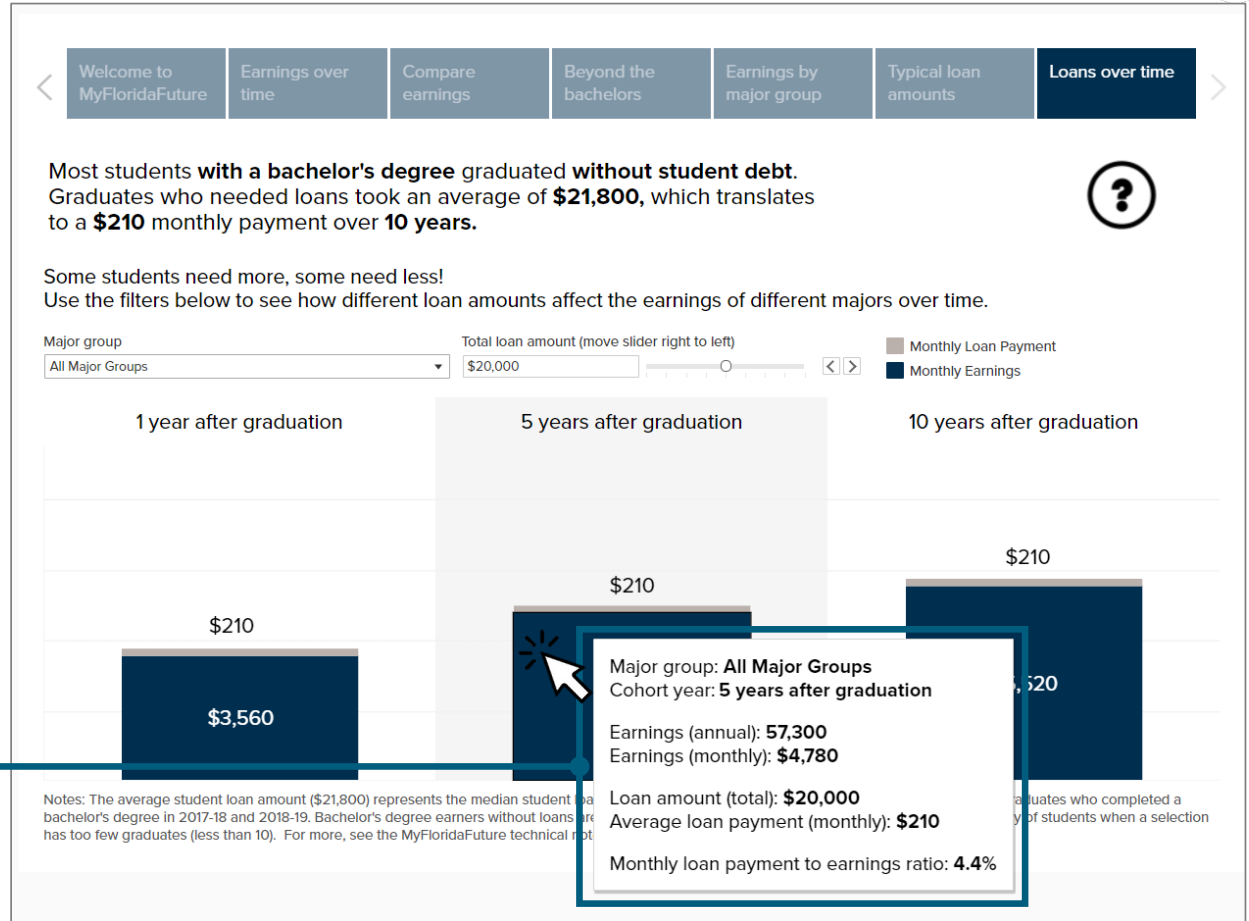
...to see how their monthly loan payment compares to their monthly earnings



# Debt-to-Income Ratio



Monthly loan payment to earnings ratio is displayed as a percentage







**Students can research & compare salary expectations for each institution & academic program**

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**Students can weigh the expected benefits of pursuing additional education**

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**Students can explore & better understand the future impact of student loans**



**Informed consumers make better decisions**

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**Data is readily available to parents, students, policy makers, & the public**

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**Efforts to educate about student debt may result in more disposable income**



[www.flbog.edu](http://www.flbog.edu)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 148

INTRODUCER: Senator Diaz

SUBJECT: Individual Freedom

DATE: January 14, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick, Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 148 includes provisions designed to protect individual freedoms and prevent discrimination in the workplace and in public schools.

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 that espouses, promotes, advances, inculcates, or compels such individual to believe certain specified divisive concepts constitutes unlawful discrimination.

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

The bill does not have an impact on state revenues or expenditures.

The bill takes effect July 1, 2022.

**II. Present Situation:**

**Unlawful Discrimination in Florida**

In 2019, Governor DeSantis reaffirmed the policy of non-discrimination in government employment and declared it the policy of his administration to prohibit discrimination in employment based on age, sex, race, color, religion, national origin, marital status, or disability.<sup>1</sup>

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<sup>1</sup> Office of the Governor, *Executive Order Number 19-10*, Jan. 8, 2019 (Reaffirming Commitment to Diversity in Government).

### ***Unlawful Employment Practices***

Employers, employment agencies, labor organizations, and joint labor-management committees are prohibited from engaging in employment practices that discriminate against individuals based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.<sup>2</sup>

### ***Florida Civil Rights Act (Part I, Chapter 760, F.S.)***

The Florida Civil Rights Act (FCRA) of 1992 protects persons from discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, and marital status.<sup>3</sup> The FCRA establishes the Florida Commission on Human Relations (the Commission) within the Department of Management Services.<sup>4</sup>

The Commission is empowered to receive, initiate, investigate, conciliate, hold hearings, and act upon complaints alleging discriminatory practices.<sup>5</sup> Additionally, the Attorney General may initiate a civil action for damages, injunctive relief, civil penalties of up to \$10,000 per violation, and other appropriate relief.<sup>6</sup>

### **Required Instruction in Public Schools**

Each district school board is responsible for providing all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.<sup>7</sup>

Public school teachers are required to teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, and employing approved methods of instruction, certain prescribed courses of study, including health education and character development.<sup>8</sup> The SBE is encouraged to adopt standards and pursue assessment of the requirements for prescribed courses of study and methods of instruction employed by public school teachers.<sup>9</sup>

SBE rule regarding required instruction and reporting requires that instruction on the required topics must be factual and objective, and may not suppress or distort significant historical events, such as the Holocaust, slavery, the Civil War and Reconstruction, the civil rights movement and

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<sup>2</sup> See s. 760.10, F.S. Limited exceptions apply in bona-fide scenarios where authorized by law or necessary for the performance of the particular employment. See s. 760.10(8), F.S.

<sup>3</sup> Section 760.01, F.S.

<sup>4</sup> Section 760.03-04, F.S.

<sup>5</sup> Section 760.06(5), F.S.

<sup>6</sup> Section 760.021(1), F.S.

<sup>7</sup> Section 1003.42(1), F.S.

<sup>8</sup> Section 1003.42(2), F.S. Required instruction includes, for example, the history and content of the Declaration of Independence, the arguments in support of adopting our republican form of government, flag education, the history of the Holocaust, the history of African Americans, and kindness to animals. *Id.* Instructional staff of charter schools are exempt from the required instruction section of law. Section 1002.33(16), F.S.

<sup>9</sup> Section 1003.42(2), F.S.

the contributions of women, African American and Hispanic people to our country.<sup>10</sup> Examples of theories that distort historical events and are inconsistent with SBE-approved standards include the denial or minimization of the Holocaust, and the teaching of Critical Race Theory, meaning the theory that racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order to uphold the supremacy of white persons.<sup>11</sup> Instruction may not utilize material from the 1619 Project<sup>12</sup> and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.<sup>13</sup>

### ***Health Instruction***

Teachers must provide instruction on comprehensive age-appropriate and developmentally appropriate K-12 health education that addresses concepts of community health, consumer health, environmental health, and family life, including:<sup>14</sup>

- Mental and emotional health.
- Injury prevention and safety.
- Internet safety.
- Nutrition.
- Personal health.
- Prevention and control of disease.
- Substance use and abuse.
- Prevention of child sexual abuse, exploitation, and human trafficking.
- For students in grades 7 through 12, a teen dating violence and abuse component.
- For students in grades 6 through 12, an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

### ***Character Development Program***

Each district school board is required to adopt or develop a character development program for students, which must be approved by the Department of Education (DOE).<sup>15</sup> The character development curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.<sup>16</sup>

In addition, the character development curriculum for grades 9 through 12 must, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and

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<sup>10</sup> Rule 6A-1.094124(3)(b), F.A.C.

<sup>11</sup> Rule 6A-1.094124(3)(b), F.A.C.

<sup>12</sup> The 1619 Project argues that 1619 is the basis for discussing America's founding. In addition, the author asserted that the Revolutionary War was fought to protect the institution of slavery. Erford, A, *The 1619 Project and the Importance of Historical Significance and Argumentation in the History and Social Studies Classroom* (2021), *Teaching History: A Journal of Methods*, 46(2), 30+, available at [https://go.gale.com/ps/i.do?p=AONE&u=18551\\_mcpls&id=GALE|A688507445&v=2.1&it=r&sid=bookmark-AONE&asid=9b710f88](https://go.gale.com/ps/i.do?p=AONE&u=18551_mcpls&id=GALE|A688507445&v=2.1&it=r&sid=bookmark-AONE&asid=9b710f88).

<sup>13</sup> Rule 6A-1.094124(3)(b), F.A.C.

<sup>14</sup> Section 1003.42(2)(n), F.S.

<sup>15</sup> Section 1003.42(2)(s), F.S.

<sup>16</sup> Section 1003.42(2)(s)1., F.S.

research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.<sup>17</sup>

The character development curriculum for grades 11 and 12 must include instruction on voting using the uniform primary and general election ballot.<sup>18</sup>

A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative satisfies the requirements of the character development curriculum.<sup>19</sup>

## **Public School Instructional Materials**

### ***Adoption of State Instructional Materials***

At the state level, the Commissioner of Education (commissioner) adopts instructional materials according to a five-year rotating schedule.<sup>20</sup> The SBE adopts the rules for the DOE to evaluate instructional materials submitted by publishers and manufacturers in each adoption.<sup>21</sup> The commissioner must determine annually the areas in which instructional materials will be submitted for adoption and the number of titles in each area.<sup>22</sup> The commissioner must appoint three state or national experts in the content areas submitted for adoption to review the instructional materials.<sup>23</sup>

### ***Adoption of School District Instructional Materials***

At the school district level, the district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students.<sup>24</sup> The school board must provide adequate instructional materials for its students, ensure the materials are consistent with the district's educational goals, and ensure the materials meet the objectives and the curriculum frameworks adopted by the SBE.<sup>25</sup>

The district school board is authorized to implement an instructional materials program that includes the review, recommendation, adoption, and purchase of materials.<sup>26</sup> The district school board may utilize the state-adopted instructional materials list or instructional materials adopted through the district instructional materials program.<sup>27</sup> Additionally, the district school

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<sup>17</sup> Section 1003.42(2)(s)2., F.S.

<sup>18</sup> Section 1003.42(2)(s)3., F.S.

<sup>19</sup> Section 1003.42(2), F.S.

<sup>20</sup> Section 1006.36(1), F.S.

<sup>21</sup> Section 1006.34(1), F.S.; Rule 6A-7.0710, F.A.C.

<sup>22</sup> Section 1006.29(1)(a), F.S.

<sup>23</sup> Section 1006.29(1)(b), F.S.

<sup>24</sup> Section 1006.28(2)

<sup>25</sup> Section 1006.28(1) and 1001.03(1), F.S.

<sup>26</sup> Section 1006.283(1).

<sup>27</sup> Section 1006.28(2)(a)1., F.S.

superintendent must certify to the DOE on an annual basis that all instructional materials for core courses used by the district are aligned with applicable state standards.<sup>28</sup>

### ***Requirements for Review of Instructional Materials***

Reviewers of instructional materials may recommend for adoption only instructional materials aligned with state educational standards.<sup>29</sup> In addition, reviewers must consider:<sup>30</sup>

- The age of the students who normally could be expected to have access to the material.
- The educational purpose to be served by the material.
- The degree to which the material would be supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.
- The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students.

Instructional materials recommended by each reviewer must be, to the satisfaction of each reviewer, accurate, objective, balanced, noninflammatory, current, free of pornography and other prohibited materials,<sup>31</sup> and suited to student needs and their ability to comprehend the material presented.<sup>32</sup> Reviewers must consider for recommendation materials developed for academically talented students, such as students enrolled in advanced placement courses.<sup>33</sup>

A reviewer may not recommend any instructional materials that contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.<sup>34</sup> When recommending instructional materials, each reviewer must:<sup>35</sup>

- Include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society, including men and women in professional, career, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.
- Include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.
- Include materials that encourage thrift, fire prevention, and humane treatment of people and animals.
- Require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States.

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<sup>28</sup> Section 1006.283(1), F.S.

<sup>29</sup> Section 1006.31(2), F.S.

<sup>30</sup> Sections 1006.31(2) and 1006.34(2)(b), F.S.

<sup>31</sup> Section 847.012, F.S., lists materials that are prohibited from distribution to minors.

<sup>32</sup> Section 1006.31(2), F.S.

<sup>33</sup> Section 1006.31(2), F.S.

<sup>34</sup> Section 1006.31(2)(d), F.S.

<sup>35</sup> Section 1006.31(2), F.S.



## **School Community Professional Development Act**

Each district school board is required to develop a professional development system that supports and increases the success of educators through collaboratively developed school improvement plans.<sup>36</sup> The system must be developed in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations, and be approved by the DOE.<sup>37</sup>

## **Requirements Related to Specified Divisive Ideas or Concepts**

### ***White House Executive Order***

In 2020, President Trump issued an Executive Order prohibiting divisive concepts, race or sex stereotyping, and race or sex scapegoating in the Executive Branch. The order defined divisive concepts as concepts that:<sup>38</sup>

- One race or sex is inherently superior to another race or sex.
- The United States is fundamentally racist or sexist.
- An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.
- Members of one race or sex cannot and should not attempt to treat others without respect to race or sex.
- An individual's moral character is necessarily determined by his or her race or sex.
- An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
- Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.
- Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.
- Promote race or sex stereotyping, which means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.
- Promote race or sex scapegoating, which means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

President Biden revoked the Executive Order in 2021, declaring that advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government.<sup>39</sup>

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<sup>36</sup> Section 1012.98(3)(a), F.S.

<sup>37</sup> Section 1012.98(4)(b), F.S.

<sup>38</sup> Exec. Order No. 13,950, 85 Fed. Reg. 60,683 (Sept. 22, 2020).

<sup>39</sup> Exec. Order No. 13,985, 86 Fed. Reg. 7,009 (Jan. 25, 2021).

### *State Actions Regarding Specified Divisive Ideas or Concepts*

In 2021, 10 state governors signed into law or allowed to become law legislation related to the teaching or training about specified divisive concepts in K-12 education, postsecondary education, state agencies, and employers. Specifically, nine states enacted legislation regarding the teaching of specified divisive ideas or concepts, or their inclusion in curricula, in K-12 public schools.<sup>40</sup> Four states enacted legislation regarding teaching at postsecondary institutions.<sup>41</sup> Four states approved laws relating to training by employers or state agencies.<sup>42</sup>

In addition, Montana and Utah have imposed similar restrictions on public school teaching or employer training relating to specified divisive ideas and concepts through attorney general opinion or state board of education action.<sup>43</sup>

### **III. Effect of Proposed Changes:**

SB 148 includes provisions designed to protect individual freedoms and prevent discrimination in the workplace and in public schools. In this regard, the bill defines individual freedoms based on the truth that all individuals are equal before the law and have inalienable rights.

#### **Unlawful Employment Practices.**

The bill adds to s. 760.10, F.S., to clarify that certain behavior constitutes unlawful discrimination based on race, color, sex, or national origin. 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 that espouses, promotes, advances, inculcates, or compels such individual to believe any of the following concepts constitutes discrimination based on race, color, sex, or national origin:

- Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
- An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
- Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.

<sup>40</sup> Arizona (HB 2898), Idaho (HB 377), Iowa (HF 802), New Hampshire (HB 2), North Dakota (HB 1508), Oklahoma (HB 1775), South Carolina (H. 4325), Tennessee (HB 062), Texas (SB 3). However, in Arizona, HB 2898 was invalidated by the Arizona Supreme Court for violating the "title requirement" and "single subject rule" of the Arizona Constitution. Arizona Sch. Boards Ass'n, Inc. v. State, CV-21-0234-T/AP, 2022 WL 57291 (Ariz. Jan. 6, 2022).

<sup>41</sup> Idaho (HB 377), Iowa (HF 802), Oklahoma (HB 1775), South Carolina (H. 4325).

<sup>42</sup> Arkansas (SB 627), Arizona (HB 2906), Iowa (HB 802), New Hampshire (HB 2).

<sup>43</sup> The Montana Attorney General held that use of "Critical Race Theory" (CRT) and "antiracism" programming in education and employment is discriminatory and violates federal and state law. Austin Knudsen, Montana Attorney General, Vol. 58, Opinion No. 1 (May 27, 2021) available at <https://media.dojmt.gov/wp-content/uploads/AGO-V58-OI-5.27.21-FINAL.pdf>. Rule R277-328-1. The Utah state board rule provides local education agencies with the standards for educators and local education agencies regarding professional learning, and guidelines and requirements for curriculum, and classroom instruction on inclusion and educational equity. Utah State Board of Education (Aug. 9, 2021), available at <https://www.schools.utah.gov/file/722ef396-b45a-4dbb-a974-00a9d9dbcac0>. The Alabama and Georgia State Boards of Education have passed resolutions prohibiting certain instruction, which include provisions regarding future rulemaking.

- An individual, by virtue of his or her race, color, sex, or national origin, 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, sex, or national origin.
- An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, color, sex, or national origin.
- 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, sex, or national origin to oppress members of another race, color, sex, or national origin.

The bill clarifies that discussion of the above-listed concepts is allowed as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

The bill provides that if any provision of the bill that relates to the unlawful employment practices in s. 760.10, F.S., or the provision's application to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions are severable.

### **Required Instruction in Public Schools**

The bill modifies the instruction required in s. 1003.42, F.S. The bill renames the character development curriculum as civic and character education. The bill also 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.

The bill specifies that the instruction in life skills must build confidence, support mental and emotional health, and enable students to overcome challenges, including:

- Self-awareness and self-management.
- Responsible decisionmaking.
- Resiliency.
- Relationship skills and conflict resolution.
- Understanding and respecting other viewpoints and backgrounds.
- For grades 9 through 12, developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.

The bill specifies that health education and life skills instruction and materials may not contradict principles of individual freedom specified in the bill.

## **Individual Freedom**

The bill provides a legislative acknowledgment of the fundamental truth that all individuals are equal before the law and have inalienable rights. Accordingly, the bill provides that required instruction and supporting materials must be consistent with the following principles of individual freedom:

- No individual 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 individual 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.
- An individual, 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.
- An individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race.

The bill provides that instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, the topics of:

- Sexism;
- Slavery;
- Racial oppression;
- Racial segregation;
- Racial discrimination; and
- The enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination.

The bill prohibits classroom instruction and curriculum from being 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 modifies ss. 1006.31 and 1012.98, F.S., to further safeguard principles of individual freedom. The bill specifies that a person reviewing instructional materials for use in schools may not recommend any material that contradicts with principles of individual freedom. The bill also provides that each school district's professional development system must be reviewed and approved by the DOE for compliance with the principles of individual freedom.

The bill takes effect July 1, 2022.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 760.10, 1002.20, 1003.42, 1006.31, 1006.40, and 1012.98.,.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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S00148

GENERAL BILL by Diaz; (Similar H 00007)

Individual Freedom. EFFECTIVE DATE: 07/01/2022.

01/11/22 S Filed

01/12/22 S Referred to Education; Rules

01/13/22 S On Committee agenda-- Education, 01/18/22, 11:00 am, 412 Knott Building

By Senator Diaz

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1 A bill to be entitled  
 2 An act relating to individual freedom; amending s.  
 3 760.10, F.S.; providing that subjecting any  
 4 individual, as a condition of employment, membership,  
 5 certification, licensing, credentialing, or passing an  
 6 examination, to training, instruction, or any other  
 7 required activity that espouses, promotes, advances,  
 8 inculcates, or compels such individual to believe  
 9 specified concepts constitutes discrimination based on  
 10 race, color, sex, or national origin; providing  
 11 construction; providing severability; amending s.  
 12 1003.42, F.S.; revising the requirements for required  
 13 instruction on health education; requiring such  
 14 instruction to comport with certain principles;  
 15 requiring civic and character education instead of a  
 16 character development program; providing the  
 17 requirements of such education; providing Legislative  
 18 findings; requiring instruction to be consistent with  
 19 specified principles of individual freedom;  
 20 authorizing instructional personnel to facilitate  
 21 discussions and use curricula to address, in an age-  
 22 appropriate manner, specified topics; prohibiting  
 23 classroom instruction and curricula from being used to  
 24 indoctrinate or persuade students in a manner  
 25 inconsistent with certain principles or state academic  
 26 standards; amending s. 1006.31, F.S.; prohibiting  
 27 instructional materials reviewers from recommending  
 28 instructional materials that contain any matter that  
 29 contradicts certain principles; amending s. 1012.98,

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30 F.S.; requiring the Department of Education to review  
 31 school district professional development systems for  
 32 compliance with certain provisions of law; amending  
 33 ss. 1002.20 and 1006.40, F.S.; conforming cross-  
 34 references; providing an effective date.  
 35  
 36 Be It Enacted by the Legislature of the State of Florida:  
 37  
 38 Section 1. Present subsections (8), (9), and (10) of  
 39 section 760.10, Florida Statutes, are redesignated as  
 40 subsections (9), (10), and (11), respectively, and a new  
 41 subsection (8) and subsection (12) are added to that section, to  
 42 read:  
 43 760.10 Unlawful employment practices.—  
 44 (8) (a) Subjecting any individual, as a condition of  
 45 employment, membership, certification, licensing, credentialing,  
 46 or passing an examination, to training, instruction, or any  
 47 other required activity that espouses, promotes, advances,  
 48 inculcates, or compels such individual to believe any of the  
 49 following concepts constitutes discrimination based on race,  
 50 color, sex, or national origin under this section:  
 51 1. Members of one race, color, sex, or national origin are  
 52 morally superior to members of another race, color, sex, or  
 53 national origin.  
 54 2. An individual, by virtue of his or her race, color, sex,  
 55 or national origin, is inherently racist, sexist, or oppressive,  
 56 whether consciously or unconsciously.  
 57 3. An individual's moral character or status as either  
 58 privileged or oppressed is necessarily determined by his or her

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59 race, color, sex, or national origin.

60 4. Members of one race, color, sex, or national origin  
61 cannot and should not attempt to treat others without respect to  
62 race, color, sex, or national origin.

63 5. An individual, by virtue of his or her race, color, sex,  
64 or national origin, bears responsibility for, or should be  
65 discriminated against or receive adverse treatment because of,  
66 actions committed in the past by other members of the same race,  
67 color, sex, or national origin.

68 6. An individual, by virtue of his or her race, color, sex,  
69 or national origin, should be discriminated against or receive  
70 adverse treatment to achieve diversity, equity, or inclusion.

71 7. An individual should feel discomfort, guilt, anguish, or  
72 any other form of psychological distress on account of his or  
73 her race, color, sex, or national origin.

74 8. Such virtues as merit, excellence, hard work, fairness,  
75 neutrality, objectivity, and racial colorblindness are racist or  
76 sexist, or were created by members of a particular race, color,  
77 sex, or national origin to oppress members of another race,  
78 color, sex, or national origin.

79 (b) Paragraph (a) may not be construed to prohibit  
80 discussion of the concepts listed therein as part of a course of  
81 training or instruction, provided such training or instruction  
82 is given in an objective manner without endorsement of the  
83 concepts.

84 (12) If any provision of this section or its application to  
85 any person or circumstance is held invalid, the invalidity does  
86 not affect other provisions or applications of the section which  
87 can be given effect without the invalid provision or

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88 application, and to this end the provisions of this section are  
89 severable.

90 Section 2. Present subsection (3) of section 1003.42,  
91 Florida Statutes, is redesignated as subsection (4), a new  
92 subsection (3) is added to that section, and paragraph (b) of  
93 subsection (1) and subsection (2) of that section are amended,  
94 to read:

95 1003.42 Required instruction.—

96 (1)

97 (b) All instructional materials, as defined in s.  
98 1006.29(2), used to teach reproductive health or any disease,  
99 including HIV/AIDS, its symptoms, development, and treatment, as  
100 part of the courses referenced in subsection (4) ~~(3)~~, must be  
101 annually approved by a district school board in an open, noticed  
102 public meeting.

103 (2) Members of the instructional staff of the public  
104 schools, subject to the rules of the State Board of Education  
105 and the district school board, shall teach efficiently and  
106 faithfully, using the books and materials required that meet the  
107 highest standards for professionalism and historical accuracy,  
108 following the prescribed courses of study, and employing  
109 approved methods of instruction, the following:

110 (a) The history and content of the Declaration of  
111 Independence, including national sovereignty, natural law, self-  
112 evident truth, equality of all persons, limited government,  
113 popular sovereignty, and inalienable rights of life, liberty,  
114 and property, and how they form the philosophical foundation of  
115 our government.

116 (b) The history, meaning, significance, and effect of the

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117 provisions of the Constitution of the United States and  
 118 amendments thereto, with emphasis on each of the 10 amendments  
 119 that make up the Bill of Rights and how the constitution  
 120 provides the structure of our government.

121 (c) The arguments in support of adopting our republican  
 122 form of government, as they are embodied in the most important  
 123 of the Federalist Papers.

124 (d) Flag education, including proper flag display and flag  
 125 salute.

126 (e) The elements of civil government, including the primary  
 127 functions of and interrelationships between the Federal  
 128 Government, the state, and its counties, municipalities, school  
 129 districts, and special districts.

130 (f) The history of the United States, including the period  
 131 of discovery, early colonies, the War for Independence, the  
 132 Civil War, the expansion of the United States to its present  
 133 boundaries, the world wars, and the civil rights movement to the  
 134 present. American history shall be viewed as factual, not as  
 135 constructed, shall be viewed as knowable, teachable, and  
 136 testable, and shall be defined as the creation of a new nation  
 137 based largely on the universal principles stated in the  
 138 Declaration of Independence.

139 (g)1. The history of the Holocaust (1933-1945), the  
 140 systematic, planned annihilation of European Jews and other  
 141 groups by Nazi Germany, a watershed event in the history of  
 142 humanity, to be taught in a manner that leads to an  
 143 investigation of human behavior, an understanding of the  
 144 ramifications of prejudice, racism, and stereotyping, and an  
 145 examination of what it means to be a responsible and respectful

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146 person, for the purposes of encouraging tolerance of diversity  
 147 in a pluralistic society and for nurturing and protecting  
 148 democratic values and institutions, including the policy,  
 149 definition, and historical and current examples of anti-  
 150 Semitism, as described in s. 1000.05(7), and the prevention of  
 151 anti-Semitism. Each school district must annually certify and  
 152 provide evidence to the department, in a manner prescribed by  
 153 the department, that the requirements of this paragraph are met.  
 154 The department shall prepare and offer standards and curriculum  
 155 for the instruction required by this paragraph and may seek  
 156 input from the Commissioner of Education's Task Force on  
 157 Holocaust Education or from any state or nationally recognized  
 158 Holocaust educational organizations. The department may contract  
 159 with any state or nationally recognized Holocaust educational  
 160 organizations to develop training for instructional personnel  
 161 and grade-appropriate classroom resources to support the  
 162 developed curriculum.

163 2. The second week in November shall be designated as  
 164 "Holocaust Education Week" in this state in recognition that  
 165 November is the anniversary of Kristallnacht, widely recognized  
 166 as a precipitating event that led to the Holocaust.

167 (h) The history of African Americans, including the history  
 168 of African peoples before the political conflicts that led to  
 169 the development of slavery, the passage to America, the  
 170 enslavement experience, abolition, and the contributions of  
 171 African Americans to society. Instructional materials shall  
 172 include the contributions of African Americans to American  
 173 society.

174 (i) The elementary principles of agriculture.

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- 175 (j) The true effects of all alcoholic and intoxicating  
 176 liquors and beverages and narcotics upon the human body and  
 177 mind.
- 178 (k) Kindness to animals.
- 179 (l) The history of the state.
- 180 (m) The conservation of natural resources.
- 181 (n) ~~1-~~ Comprehensive age-appropriate and developmentally  
 182 appropriate K-12 instruction on health education that addresses:
- 183 1. Health education that addresses concepts of community  
 184 health, consumer health, environmental health, and family life,  
 185 including:
- 186 ~~a. Mental and emotional health.~~  
 187 ~~b. Injury prevention and safety.~~  
 188 ~~b.e.~~ Internet safety.  
 189 ~~c.d.~~ Nutrition.  
 190 ~~d.e.~~ Personal health.  
 191 ~~e.f.~~ Prevention and control of disease.  
 192 ~~f.g.~~ Substance use and abuse.  
 193 ~~g.h.~~ Prevention of child sexual abuse, exploitation, and  
 194 human trafficking.
- 195 2. The health education curriculum For students in grades 7  
 196 through 12, ~~shall include a~~ teen dating violence and abuse. This  
 197 component must include that includes, but is not limited to, the  
 198 definition of dating violence and abuse, the warning signs of  
 199 dating violence and abusive behavior, the characteristics of  
 200 healthy relationships, measures to prevent and stop dating  
 201 violence and abuse, and community resources available to victims  
 202 of dating violence and abuse.
- 203 3. The health education curriculum For students in grades 6

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- 204 through 12, ~~shall include an~~ awareness of the benefits of sexual  
 205 abstinence as the expected standard and the consequences of  
 206 teenage pregnancy.
- 207 4. Life skills that build confidence, support mental and  
 208 emotional health, and enable students to overcome challenges,  
 209 including:
- 210 a. Self-awareness and self-management.  
 211 b. Responsible decisionmaking.  
 212 c. Resiliency.  
 213 d. Relationship skills and conflict resolution.  
 214 e. Understanding and respecting other viewpoints and  
 215 backgrounds.
- 216 f. For grades 9 through 12, developing leadership skills,  
 217 interpersonal skills, organization skills, and research skills;  
 218 creating a resume, including a digital resume; exploring career  
 219 pathways; using state career planning resources; developing and  
 220 practicing the skills necessary for employment interviews;  
 221 workplace ethics and workplace law; managing stress and  
 222 expectations; and self-motivation.
- 223
- 224 Health education and life skills instruction and materials may  
 225 not contradict the principles enumerated in subsection (3).
- 226 (o) Such additional materials, subjects, courses, or fields  
 227 in such grades as are prescribed by law or by rules of the State  
 228 Board of Education and the district school board in fulfilling  
 229 the requirements of law.
- 230 (p) The study of Hispanic contributions to the United  
 231 States.
- 232 (q) The study of women's contributions to the United

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233 States.

234 (r) The nature and importance of free enterprise to the  
235 United States economy.

236 (s) Civic and character education on A character  
237 ~~development program in the elementary schools, similar to~~  
238 ~~Character First or Character Counts, which is secular in nature.~~  
239 ~~Beginning in school year 2004-2005, the character development~~  
240 ~~program shall be required in kindergarten through grade 12. Each~~  
241 ~~district school board shall develop or adopt a curriculum for~~  
242 ~~the character development program that shall be submitted to the~~  
243 ~~department for approval.~~

244 1. ~~The character development curriculum shall stress the~~  
245 ~~qualities and responsibilities of patriotism and~~  
246 ~~responsibility; citizenship, including, kindness; respect for~~  
247 ~~authority, life, liberty, and personal property; honesty;~~  
248 ~~charity; self control; racial, ethnic, and religious tolerance;~~  
249 ~~and cooperation, and,~~

250 2. ~~The character development curriculum for grades 9~~  
251 ~~through 12 shall, at a minimum, include instruction on~~  
252 ~~developing leadership skills, interpersonal skills, organization~~  
253 ~~skills, and research skills; creating a resume, including a~~  
254 ~~digital resume; exploring career pathways; using state career~~  
255 ~~planning resources; developing and practicing the skills~~  
256 ~~necessary for employment interviews; conflict resolution,~~  
257 ~~workplace ethics, and workplace law; managing stress and~~  
258 ~~expectations; and developing skills that enable students to~~  
259 ~~become more resilient and self motivated.~~

260 3. ~~The character development curriculum for grades 11 and~~  
261 ~~12, shall include instruction on voting using the uniform~~

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262 primary and general election ballot described in s. 101.151(9).

263 (t) In order to encourage patriotism, the sacrifices that  
264 veterans and Medal of Honor recipients have made in serving our  
265 country and protecting democratic values worldwide. Such  
266 instruction must occur on or before Medal of Honor Day,  
267 Veterans' Day, and Memorial Day. Members of the instructional  
268 staff are encouraged to use the assistance of local veterans and  
269 Medal of Honor recipients when practicable.

270  
271 The State Board of Education is encouraged to adopt standards  
272 and pursue assessment of the requirements of this subsection.  
273 Instructional programming ~~A character development program~~ that  
274 incorporates the values of the recipients of the Congressional  
275 Medal of Honor and that is offered as part of a social studies,  
276 English Language Arts, or other schoolwide character building  
277 and veteran awareness initiative meets the requirements of  
278 paragraph (t) ~~paragraphs (s) and (t).~~

279 (3) The Legislature acknowledges the fundamental truth that  
280 all individuals are equal before the law and have inalienable  
281 rights. Accordingly, instruction on the topics enumerated in  
282 this section and supporting materials must be consistent with  
283 the following principles of individual freedom:

284 (a) No individual is inherently racist, sexist, or  
285 oppressive, whether consciously or unconsciously, solely by  
286 virtue of his or her race or sex.

287 (b) No race is inherently superior to another race.

288 (c) No individual should be discriminated against or  
289 receive adverse treatment solely or partly on the basis of race,  
290 color, national origin, religion, disability, or sex.

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291 (d) Meritocracy or traits such as a hard work ethic are not  
 292 racist but fundamental to the right to pursue happiness and be  
 293 rewarded for industry.

294 (e) An individual, by virtue of his or her race or sex,  
 295 does not bear responsibility for actions committed in the past  
 296 by other members of the same race or sex.

297 (f) An individual should not be made to feel discomfort,  
 298 guilt, anguish, or any other form of psychological distress on  
 299 account of his or her race.

300  
 301 Instructional personnel may facilitate discussions and use  
 302 curricula to address, in an age-appropriate manner, the topics  
 303 of sexism, slavery, racial oppression, racial segregation, and  
 304 racial discrimination, including topics relating to the  
 305 enactment and enforcement of laws resulting in sexism, racial  
 306 oppression, racial segregation, and racial discrimination.  
 307 However, classroom instruction and curriculum may not be used to  
 308 indoctrinate or persuade students to a particular point of view  
 309 inconsistent with the principles of this subsection or state  
 310 academic standards.

311 Section 3. Paragraph (d) of subsection (2) of section  
 312 1006.31, Florida Statutes, is amended to read:

313 1006.31 Duties of the Department of Education and school  
 314 district instructional materials reviewer.—The duties of the  
 315 instructional materials reviewer are:

316 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
 317 selection criteria listed in s. 1006.34(2)(b) and recommend for  
 318 adoption only those instructional materials aligned with the  
 319 Next Generation Sunshine State Standards provided for in s.

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320 1003.41. Instructional materials recommended by each reviewer  
 321 shall be, to the satisfaction of each reviewer, accurate,  
 322 objective, balanced, noninflammatory, current, free of  
 323 pornography and material prohibited under s. 847.012, and suited  
 324 to student needs and their ability to comprehend the material  
 325 presented. Reviewers shall consider for recommendation materials  
 326 developed for academically talented students, such as students  
 327 enrolled in advanced placement courses. When recommending  
 328 instructional materials, each reviewer shall:

329 (d) Require, when appropriate to the comprehension of  
 330 students, that materials for social science, history, or civics  
 331 classes contain the Declaration of Independence and the  
 332 Constitution of the United States. A reviewer may not recommend  
 333 any instructional materials that contain any matter reflecting  
 334 unfairly upon persons because of their race, color, creed,  
 335 national origin, ancestry, gender, religion, disability,  
 336 socioeconomic status, or occupation or otherwise contradict the  
 337 principles enumerated under s. 1003.42(3).

338 Section 4. Paragraph (b) of subsection (4) of section  
 339 1012.98, Florida Statutes, is amended to read:

340 1012.98 School Community Professional Development Act.—

341 (4) The Department of Education, school districts, schools,  
 342 Florida College System institutions, and state universities  
 343 share the responsibilities described in this section. These  
 344 responsibilities include the following:

345 (b) Each school district shall develop a professional  
 346 development system as specified in subsection (3). The system  
 347 shall be developed in consultation with teachers, teacher-  
 348 educators of Florida College System institutions and state

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349 universities, business and community representatives, and local  
350 education foundations, consortia, and professional  
351 organizations. The professional development system must:

352 1. Be reviewed and approved by the department for  
353 compliance with s. 1003.42(3) and this section. All substantial  
354 revisions to the system shall be submitted to the department for  
355 review for continued approval.

356 2. Be based on analyses of student achievement data and  
357 instructional strategies and methods that support rigorous,  
358 relevant, and challenging curricula for all students. Schools  
359 and districts, in developing and refining the professional  
360 development system, shall also review and monitor school  
361 discipline data; school environment surveys; assessments of  
362 parental satisfaction; performance appraisal data of teachers,  
363 managers, and administrative personnel; and other performance  
364 indicators to identify school and student needs that can be met  
365 by improved professional performance.

366 3. Provide inservice activities coupled with followup  
367 support appropriate to accomplish district-level and school-  
368 level improvement goals and standards. The inservice activities  
369 for instructional personnel shall focus on analysis of student  
370 achievement data, ongoing formal and informal assessments of  
371 student achievement, identification and use of enhanced and  
372 differentiated instructional strategies that emphasize rigor,  
373 relevance, and reading in the content areas, enhancement of  
374 subject content expertise, integrated use of classroom  
375 technology that enhances teaching and learning, classroom  
376 management, parent involvement, and school safety.

377 4. Provide inservice activities and support targeted to the

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378 individual needs of new teachers participating in the  
379 professional development certification and education competency  
380 program under s. 1012.56(8)(a).

381 5. Include a master plan for inservice activities, pursuant  
382 to rules of the State Board of Education, for all district  
383 employees from all fund sources. The master plan shall be  
384 updated annually by September 1, must be based on input from  
385 teachers and district and school instructional leaders, and must  
386 use the latest available student achievement data and research  
387 to enhance rigor and relevance in the classroom. Each district  
388 inservice plan must be aligned to and support the school-based  
389 inservice plans and school improvement plans pursuant to s.  
390 1001.42(18). Each district inservice plan must provide a  
391 description of the training that middle grades instructional  
392 personnel and school administrators receive on the district's  
393 code of student conduct adopted pursuant to s. 1006.07;  
394 integrated digital instruction and competency-based instruction  
395 and CAPE Digital Tool certificates and CAPE industry  
396 certifications; classroom management; student behavior and  
397 interaction; extended learning opportunities for students; and  
398 instructional leadership. District plans must be approved by the  
399 district school board annually in order to ensure compliance  
400 with subsection (1) and to allow for dissemination of research-  
401 based best practices to other districts. District school boards  
402 must submit verification of their approval to the Commissioner  
403 of Education no later than October 1, annually. Each school  
404 principal may establish and maintain an individual professional  
405 development plan for each instructional employee assigned to the  
406 school as a seamless component to the school improvement plans

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407 developed pursuant to s. 1001.42(18). An individual professional  
 408 development plan must be related to specific performance data  
 409 for the students to whom the teacher is assigned, define the  
 410 inservice objectives and specific measurable improvements  
 411 expected in student performance as a result of the inservice  
 412 activity, and include an evaluation component that determines  
 413 the effectiveness of the professional development plan.

414 6. Include inservice activities for school administrative  
 415 personnel that address updated skills necessary for  
 416 instructional leadership and effective school management  
 417 pursuant to s. 1012.986.

418 7. Provide for systematic consultation with regional and  
 419 state personnel designated to provide technical assistance and  
 420 evaluation of local professional development programs.

421 8. Provide for delivery of professional development by  
 422 distance learning and other technology-based delivery systems to  
 423 reach more educators at lower costs.

424 9. Provide for the continuous evaluation of the quality and  
 425 effectiveness of professional development programs in order to  
 426 eliminate ineffective programs and strategies and to expand  
 427 effective ones. Evaluations must consider the impact of such  
 428 activities on the performance of participating educators and  
 429 their students' achievement and behavior.

430 10. For middle grades, emphasize:

431 a. Interdisciplinary planning, collaboration, and  
 432 instruction.

433 b. Alignment of curriculum and instructional materials to  
 434 the state academic standards adopted pursuant to s. 1003.41.

435 c. Use of small learning communities; problem-solving,

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436 inquiry-driven research and analytical approaches for students;  
 437 strategies and tools based on student needs; competency-based  
 438 instruction; integrated digital instruction; and project-based  
 439 instruction.

440  
 441 Each school that includes any of grades 6, 7, or 8 must include  
 442 in its school improvement plan, required under s. 1001.42(18), a  
 443 description of the specific strategies used by the school to  
 444 implement each item listed in this subparagraph.

445 11. Provide training to reading coaches, classroom  
 446 teachers, and school administrators in effective methods of  
 447 identifying characteristics of conditions such as dyslexia and  
 448 other causes of diminished phonological processing skills;  
 449 incorporating instructional techniques into the general  
 450 education setting which are proven to improve reading  
 451 performance for all students; and using predictive and other  
 452 data to make instructional decisions based on individual student  
 453 needs. The training must help teachers integrate phonemic  
 454 awareness; phonics, word study, and spelling; reading fluency;  
 455 vocabulary, including academic vocabulary; and text  
 456 comprehension strategies into an explicit, systematic, and  
 457 sequential approach to reading instruction, including  
 458 multisensory intervention strategies. Each district must provide  
 459 all elementary grades instructional personnel access to training  
 460 sufficient to meet the requirements of s. 1012.585(3)(f).

461 Section 5. Paragraph (d) of subsection (3) of section  
 462 1002.20, Florida Statutes, is amended to read:

463 1002.20 K-12 student and parent rights.—Parents of public  
 464 school students must receive accurate and timely information

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465 regarding their child's academic progress and must be informed  
466 of ways they can help their child to succeed in school. K-12  
467 students and their parents are afforded numerous statutory  
468 rights including, but not limited to, the following:

469 (3) HEALTH ISSUES.—

470 (d) *Reproductive health and disease education.*—A public  
471 school student whose parent makes written request to the school  
472 principal shall be exempted from the teaching of reproductive  
473 health or any disease, including HIV/AIDS, in accordance with s.  
474 1003.42(4) ~~s. 1003.42(3)~~. Each school district shall, on the  
475 district's website homepage, notify parents of this right and  
476 the process to request an exemption. The homepage must include a  
477 link for a student's parent to access and review the  
478 instructional materials, as defined in s. 1006.29(2), used to  
479 teach the curriculum.

480 Section 6. Paragraph (b) of subsection (4) of section  
481 1006.40, Florida Statutes, is amended to read:

482 1006.40 Use of instructional materials allocation;  
483 instructional materials, library books, and reference books;  
484 repair of books.—

485 (4) Each district school board is responsible for the  
486 content of all materials used in a classroom or otherwise made  
487 available to students. Each district school board shall adopt  
488 rules, and each district school superintendent shall implement  
489 procedures, that:

490 (b) Provide a process for public review of, public comment  
491 on, and the adoption of instructional materials, including  
492 instructional materials used to teach reproductive health or any  
493 disease, including HIV/AIDS, under ss. 1003.42(4) and 1003.46

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494 ~~ss. 1003.42(3) and 1003.46~~, which satisfies the requirements of  
495 s. 1006.283(2)(b)8., 9., and 11.

496 Section 7. This act shall take effect July 1, 2022.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 340

INTRODUCER: Senator Garcia

SUBJECT: Care of Students with Epilepsy or Seizure Disorders

DATE: January 14, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 340 specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders. The bill:

- Requires a parent seeking care for a student with epilepsy or a seizure disorder to provide the school with an individualized seizure action plan and establishes a comprehensive framework for individualized seizure action plans.
- Requires the school nurse or other appropriate school employee to coordinate the provision of epilepsy and seizure disorder care at his or her school for each student with an individualized seizure action plan, including administering anti-seizure and rescue medications to the student.
- Exempts from liability school personnel for acts or omissions made in good faith related to the care of students with epilepsy or seizure disorders.

The bill also adds training requirements for school personnel to ensure that each school employee and individual working with school-sponsored programs outside of the regular school day are trained every two years in the care of students with epilepsy and seizure disorders, including how to recognize the symptoms of epilepsy and seizure disorders.

The bill does not have an impact on state revenues or expenditures.

The bill takes effect upon becoming law.

## II. Present Situation:

Epilepsy is a common disorder of the brain that causes recurring seizures. Epilepsy affects people of all ages, but children and older adults are more likely to have epilepsy. Seizures are the main sign of epilepsy, and most people can control this with treatment.<sup>1</sup>

Approximately 6 in 1000 students have epilepsy. Compared with students with other health concerns, a Centers for Disease Control and Prevention study shows that students aged 6–17 years with epilepsy were more likely to miss 11 or more days of school in the past year. Also, students with epilepsy were more likely to have difficulties in school, use special education services, and have activity limitations such as less participation in sports or clubs compared with students with other medical conditions.<sup>2</sup>

In the United States, the U.S. Food and Drug Administration has approved several medications for out-of-hospital use for the treatment of acute repetitive seizures or clusters:<sup>3</sup>

- Diastat<sup>®</sup> - a diazepam rectal gel.
- Nayzilam<sup>®</sup> - a midazolam nasal spray.
- Valtoco<sup>®</sup> - a diazepam nasal spray.

### School Health Services Program

District school boards are responsible for attending to health, safety, and other matters relating to the welfare of students,<sup>4</sup> including the responsibility to establish emergency procedures for life-threatening emergencies.<sup>5</sup>

The Department of Health has the responsibility, in cooperation with the Department of Education, to supervise the administration of the school health services program and perform periodic program reviews.<sup>6</sup> County health departments, district school boards, and local school health advisory committees<sup>7</sup> jointly develop school health services plans, which must include provisions for meeting emergency needs at each school.<sup>8</sup>

The school health services plan describes the health services to be provided by a school.<sup>9</sup> For example, the plan must address:<sup>10</sup>

- Specified physical screenings.
- Health counseling.

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<sup>1</sup> Centers for Disease Control and Prevention, CDC Healthy Schools, *Epilepsy*, <https://www.cdc.gov/healthyschools/npao/epilepsy.htm> (last visited Jan. 12, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> Epilepsy Foundation, *Seizure Rescue Therapies*, <https://www.epilepsy.com/learn/treating-seizures-and-epilepsy/seizure-rescue-therapies> (last visited Jan. 13, 2022).

<sup>4</sup> Section 1001.42(8)(a), F.S.

<sup>5</sup> Section 1006.062(6), F.S.

<sup>6</sup> Section 381.0056(3), F.S.

<sup>7</sup> Each school health advisory committee must include members who represent the eight component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention. Section 381.0056(2)(b), F.S.

<sup>8</sup> Sections 381.0056(4)(a)12. and 1006.062(6), F.S.

<sup>9</sup> Section 381.0056(2)(e), F.S.

<sup>10</sup> Section 381.0056(4)(a), F.S.

- Meeting emergency health needs in each school.
- Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated.
- Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs.

In attending to student health, the district school board is required to:<sup>11</sup>

- Provide inservice health training for school personnel;
- Make available adequate physical facilities for health services;
- At the beginning of each school year, inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing.

In the absence of negligence, no person is liable for any injury caused by an act or omission in the administration of school health services.<sup>12</sup>

### **The Provision of Medical Services by School Board Personnel**

All employees who staff school health rooms must be currently certified in first aid and cardiopulmonary resuscitation (CPR).<sup>13</sup> Additionally, each school must ensure that at least two school staff members and all school bus operators and attendants are currently certified to provide first aid and CPR.<sup>14</sup> School bus operators and attendants must also receive CPR and first aid refresher in-service training at least biennially.<sup>15</sup>

Nonmedical assistive personnel may perform health-related services upon successful completion of child-specific training by authorized licensed health care personnel.<sup>16</sup> All procedures must be monitored periodically by a nurse, advanced practice registered nurse, physician assistant, or physician, and may include administering emergency injectable medication.<sup>17</sup> Except for certain invasive procedures prohibited by law,<sup>18</sup> whether nonmedical district school board personnel may perform a specific health-related service is determined by authorized licensed health care personnel.<sup>19</sup>

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<sup>11</sup> Section 381.0056(6), F.S.

<sup>12</sup> Section 381.0056(8), F.S.

<sup>13</sup> Rule 64F-6.004(2), F.A.C.

<sup>14</sup> Rule 64F-6.004, F.A.C.; Rule 6A-3.0121(2)(b)3., F.A.C.

<sup>15</sup> Rule 6A-3.0121(2)(b)3., F.A.C.

<sup>16</sup> Section 1006.062(4), F.S. Authorized personnel include only a registered nurse or advanced practice registered nurse licensed under chapter 464, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459. *Id.*

<sup>17</sup> Section 1006.062(4), F.S.

<sup>18</sup> Nonmedical district school board personnel may not perform sterile catheterization, nasogastric tube feeding, or cleaning and maintaining a tracheostomy or deep suctioning of a tracheostomy. Section 1006.062(3), F.S.

<sup>19</sup> Section 1006.062(5), F.S.

## **The Administration of Medication by School Board Personnel**

District school board personnel may assist students in the administration of certain medication.<sup>20</sup> School personnel designated to assist in the administration of medication must be trained by authorized licensed healthcare personnel.<sup>21</sup>

For each medication prescribed to a student, the principal must obtain from the parent a written explanation of the necessity for the medication to be provided during the school day, including any occasion when the student is away from school property on official school business, and grant permission to assist the student in the administration of such medication.<sup>22</sup> Each prescribed medication to be administered by district school board personnel must be received, counted, and stored in its original container. When the medication is not in use, it must be stored in its original container in a secure fashion under lock and key in a location designated by the school principal.<sup>23</sup>

School personnel administering medication are exempt from liability for civil damages when acting as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.<sup>24</sup>

## **Individualized Healthcare Plans**

The school nurse creates individualized healthcare plans (IHPs) for students with healthcare needs that, if not addressed, may negatively affect attendance or academic performance. The IHPs foster communication among nursing staff to promote continuity of care.<sup>25</sup>

Depending on the health condition, the IHP may prompt the nurse to develop an emergency care plan (ECP).<sup>26</sup> The ECP is a clearly written step-by-step set of instructions for what to do in a particular emergency situation.<sup>27</sup> Unlike the IHP, the ECP is distributed to appropriate staff, and the school nurse trains that staff to respond to emergencies that may arise with individual students.<sup>28</sup>

Though not currently required, the establishment of an IHP and ECP for a student with epilepsy or a seizure disorder is best practice.<sup>29</sup> Whenever there is a known risk for a potential medical emergency, as there is in the management of students with epilepsy and seizure disorders, the school nurse should create, at a minimum, an ECP.<sup>30</sup>

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<sup>20</sup> Section 1006.062, F.S.

<sup>21</sup> Section 1006.062(1)(a), F.S.

<sup>22</sup> Section 1006.062(1)(b), F.S.

<sup>23</sup> Section 1006.062(1)(b)2., F.S.

<sup>24</sup> Section 1006.062(2), F.S.

<sup>25</sup> Department of Education, *Legislative Bill Analysis for SB 340 (2022)*. See also National Association of School Nurses, *Use of Individualized Healthcare Plans to Support School Health Services* (2020).

<sup>26</sup> *Id.*

<sup>27</sup> Department of Education, *Legislative Bill Analysis for SB 340 (2022)*.

<sup>28</sup> Rule 64F-6.004(4), F.A.C. See also Department of Education, *Legislative Bill Analysis for SB 340 (2022)*.

<sup>29</sup> Department of Education, *Legislative Bill Analysis for SB 340 (2022)*.

<sup>30</sup> *Id.*

A Seizure Action Plan contains the essential information school staff may need to know in order to help a student who has seizures. It includes information on first aid, parent and health care provider contacts, and medications specifically for that child. Seizure Action Plans are an important tool that help parents and schools partner to keep children safe and healthy during the school day.<sup>31</sup>

*Seizure Training for School Nurses: Caring for Students* is a 2.75 hour program available online or in person that is designed to provide the school nurse with information, strategies, and resources that will enable him or her to better manage the student with seizures by supporting positive treatment outcomes, maximizing educational and developmental opportunities, and ensuring a safe and supportive environment. The program consists of seven modules to assist the school nurse in learning to effectively manage seizures in a school environment.<sup>32</sup>

During the 2019-2020 school year, local school health programs reported at total of 17,282 students with epilepsy/seizure disorders. A total of 90,826 individualized healthcare plans were completed by 1,157 registered nurses.<sup>33</sup>

### III. Effect of Proposed Changes:

SB 340 specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders. The bill creates s. 1006.0626, F.S., to provide for and govern the care of students with epilepsy or seizure disorders. The bill provides definitions applicable to the care of students with epilepsy or seizure disorders. Specifically, the bill defines:

- “Individualized seizure action plan” as a document developed and signed by a medical professional who provides epilepsy or seizure disorder care to the student, in consultation with the student’s parent, who must also sign the individualized seizure action plan, and reviewed by the school nurse. The bill requires the individualized seizure action plan to outline a set of procedural guidelines that provide specific directions for the health care services needed by the student at school and the steps to take in a particular emergency situation.
- “Medical professional” as a physician licensed under chapter 458<sup>34</sup> or chapter 459,<sup>35</sup> a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under s. 464.012<sup>36</sup> who provides epilepsy or seizure disorder care to the student.
- “School” as a public school<sup>37</sup> in Florida.

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<sup>31</sup> Centers for Disease Control and Prevention, CDC Healthy Schools, *Epilepsy*, <https://www.cdc.gov/healthyschools/npao/epilepsy.htm> (last visited Jan. 12, 2022).

<sup>32</sup> Epilepsy Foundation, *Seizure Training for School Nurses* <https://www.epilepsy.com/living-epilepsy/our-training-and-education/seizure-training-school-nurses-caring-students> (last visited Jan. 12, 2022).

<sup>33</sup> Department of Education, *Legislative Bill Analysis for SB 340* (2022).

<sup>34</sup> Chapter 458, F.S., relates to medical practice.

<sup>35</sup> Chapter 459, F.S., relates to osteopathic medicine.

<sup>36</sup> Section 464.012, F.S., governs the licensure of advanced practice registered nurses, including education, training, and certification requirements.

<sup>37</sup> Charter schools are required to comply with laws pertaining to student health, safety, and welfare. Section 1002.33(16)(a)5., F.S.

- “School employee” as a person employed by the school district<sup>38</sup> at the student’s school of enrollment or who has contact with the student.
- “Student” as a student enrolled in kindergarten through grade 12 in a public school who has been diagnosed with epilepsy or a seizure disorder.

### **Parental Obligations**

The bill specifies requirements for a parent who seeks epilepsy or seizure disorder care for his or her student while at school or engaged in a school-related activity. In order to obtain care for a student, the bill provides that the parent must:

- Inform the school nurse or an appropriate school employee and provide him or her with an individualized seizure action plan.
- Provide an individualized seizure action plan that is updated by a medical professional before the beginning of each school year and as necessary if there is a change in the health status of the student.
- Annually provide written authorization to the school district for the health care services provided through such plan.

### **Individualized Seizure Action Plans**

The bill establishes a comprehensive framework for individualized seizure action plans. The bill requires each individualized seizure action plan to include:

- Written orders from the student’s medical professional outlining the student’s epilepsy or seizure disorder recommended care.
- The student’s epilepsy or seizure disorder symptoms.
- Whether the student can fully participate in physical exercise or athletic competitions, any contraindications to such exercise or competitions, or any accommodations that must be made for the student for such exercise or competitions.
- Any accommodations the student requires for school trips, after-school programs and activities, class parties, and any other school-related activities.
- When and whom to call for medical assistance.
- The student’s ability to manage, and the student’s level of understanding of, his or her epilepsy or seizure disorder.
- How to maintain communication with the student, the student’s parent, and the student’s health care team, school nurse, and educational staff.
- Any rescue medication prescribed by the student’s medical professional and how and when to administer the medication.

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<sup>38</sup> The district school board is responsible for operating, controlling, and supervising the school district. Art. IX, s. 4, Fla. Const. A charter school may select its own employees, be a private or public employer, or contract with the district school board for the services of personnel employed by the school board. Section 1002.33(12)(a) and (i), F.S.

## **Obligations of School Personnel**

### ***The Provision of Medical Services***

The bill adds responsibilities for school board personnel to attend to the care of students with epilepsy or seizure disorders. Specifically, the bill requires the school nurse or other appropriate school employee to:

- Coordinate the provision of epilepsy and seizure disorder care<sup>39</sup> at his or her school for each student with an individualized seizure action plan, including administering anti-seizure and rescue medications to the student, as outlined in the student's individualized seizure action plan.
- Ensure that each school employee and individual working with school-sponsored programs outside of the regular school day are trained every two years in the care of students with epilepsy and seizure disorders, including how to recognize the symptoms of and provide care for epilepsy and seizure disorders.

### ***Training for School Personnel***

The bill sets standards for the required training for school employees. The training must include a course of instruction provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders. The course of instruction must be:

- Approved by the Department of Education
- Provided online or in person.
- Provided to a school district free of charge if the training is provided in an online format.

### ***The Care of Students on School Buses***

The bill also addresses the care of students on school buses. The bill provides that a school district must provide a school bus driver who transports a student that has epilepsy or a seizure disorder with:

- A notice of the student's condition.
- Information on how to provide the recommended care for the student if he or she shows symptoms of the epilepsy or seizure disorder.
- The contact information for the student's parent and emergency contacts.
- Epilepsy and seizure disorder first aid training every two years.

### ***Continuity of Care***

In order to facilitate continuity of care between schools and health care providers, the bill requires the school nurse or an appropriate school employee to obtain a release from the student's parent to authorize the sharing of medical information between himself or herself and the student's health care providers. The bill specifies that the release must also authorize the school nurse or other appropriate school employee to share medical information with other school employees as necessary.

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<sup>39</sup> The care must comply with s. 1006.062, F.S., governing the conditions under which a district school board employee may assist students in the administration of prescription medication or specified medical services authorized by licensed medical personnel.

**Exemption from Liability**

The bill exempts a school employee, officer, or agent of the school district from liability for an act or omission made in good faith related to the care of students with epilepsy or seizure disorders. The bill specifies that “good faith” does not include willful misconduct, gross negligence, or recklessness. The bill also prohibits the Board of Nursing from taking action against a school nurse for any act or omission taken by a person trained by the school nurse pursuant to requirements for the care of students with epilepsy or seizure disorders.

The bill takes effect upon becoming a law.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.



**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1006.0626 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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S00340  
GENERAL BILL by Garcia; (Similar H 00173)  
Care of Students with Epilepsy or Seizure Disorders. EFFECTIVE DATE: Upon becoming a law.  
10/13/21 S Referred to Education; Appropriations Subcommittee on Education; Appropriations -SJ 19  
01/11/22 S Introduced -SJ 19  
01/13/22 S On Committee agenda-- Education, 01/18/22, 11:00 am, 412 Knott Building

By Senator Garcia

37-00582-22

2022340\_\_

1 A bill to be entitled  
 2 An act relating to care of students with epilepsy or  
 3 seizure disorders; creating s. 1006.0626, F.S.;  
 4 defining terms; providing for the creation of an  
 5 individualized seizure action plan for a student with  
 6 epilepsy or seizure disorders to receive health care  
 7 at school; providing requirements for the student's  
 8 parent, school nurses, and appropriate school  
 9 employees; providing requirements for such plans;  
 10 requiring school nurses or appropriate school  
 11 employees to coordinate the care of such students and  
 12 ensure that specified training is provided to  
 13 specified school employees and individuals; providing  
 14 requirements for such training; requiring school  
 15 districts to provide specified information and  
 16 training to school bus drivers who transport students  
 17 with epilepsy or seizure disorders; requiring school  
 18 nurses or appropriate school employees to obtain  
 19 specified releases relating to the medical information  
 20 and care of such students; providing immunity from  
 21 liability under certain conditions; defining the term  
 22 "good faith"; providing an effective date.  
 23  
 24 Be It Enacted by the Legislature of the State of Florida:  
 25  
 26 Section 1. Section 1006.0626, Florida Statutes, is created  
 27 to read:  
 28 1006.0626 Care of students with epilepsy or seizure  
 29 disorders.-

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 (1) As used in this section, the term:  
 31 (a) "Individualized seizure action plan" means a document  
 32 developed and signed by a medical professional who provides  
 33 epilepsy or seizure disorder care to the student, in  
 34 consultation with the student's parent, who must also sign the  
 35 individualized seizure action plan, and reviewed by the school  
 36 nurse. The individualized seizure action plan must outline a set  
 37 of procedural guidelines that provide specific directions for  
 38 the health care services needed by the student at school and  
 39 what to do in a particular emergency situation.  
 40 (b) "Medical professional" means a physician licensed under  
 41 chapter 458 or chapter 459, a physician assistant licensed under  
 42 chapter 458 or chapter 459, or an advanced practice registered  
 43 nurse licensed under s. 464.012 who provides epilepsy or seizure  
 44 disorder care to the student.  
 45 (c) "School" means a public school within this state.  
 46 (d) "School employee" means a person employed by the school  
 47 district at the student's school of enrollment or who has  
 48 contact with the student.  
 49 (e) "Student" means a student enrolled in kindergarten  
 50 through grade 12 in a public school who has been diagnosed with  
 51 epilepsy or a seizure disorder.  
 52 (2) (a) A student's parent who seeks epilepsy or seizure  
 53 disorder care for the student while at school or engaged in a  
 54 school-related activity must inform the school nurse or an  
 55 appropriate school employee and provide him or her with an  
 56 individualized seizure action plan. The parent must annually  
 57 provide written authorization to the school district for the  
 58 health care services provided through such plan.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 (b) Individualized seizure action plans must be updated by  
 60 the medical professional before the beginning of each school  
 61 year and as necessary if there is a change in the health status  
 62 of the student.

63 (c) Each individualized seizure action plan must include  
 64 the following information:

65 1. Written orders from the student's medical professional  
 66 outlining the student's epilepsy or seizure disorder recommended  
 67 care.

68 2. The student's epilepsy or seizure disorder symptoms.

69 3. Whether the student can fully participate in physical  
 70 exercise or athletic competitions, any contraindications to such  
 71 exercise or competitions, or any accommodations that must be  
 72 made for the student for such exercise or competitions.

73 4. Any accommodations the student requires for school  
 74 trips, after-school programs and activities, class parties, and  
 75 any other school-related activities.

76 5. When and whom to call for medical assistance.

77 6. The student's ability to manage, and the student's level  
 78 of understanding of, his or her epilepsy or seizure disorder.

79 7. How to maintain communication with the student, the  
 80 student's parent, and the student's health care team, school  
 81 nurse, and educational staff.

82 8. Any rescue medication prescribed by the student's  
 83 medical professional and how and when to administer the  
 84 medication.

85 (3) The school nurse or an appropriate school employee  
 86 shall:

87 (a) In accordance with s. 1006.062, coordinate the

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88 provision of epilepsy and seizure disorder care at his or her  
 89 school for each student with an individualized seizure action  
 90 plan, including administering anti-seizure and rescue  
 91 medications to the student, as outlined in the student's  
 92 individualized seizure action plan.

93 (b) Ensure that each school employee and individual working  
 94 with school-sponsored programs outside of the regular school day  
 95 are trained every 2 years in the care of students with epilepsy  
 96 and seizure disorders, including how to recognize the symptoms  
 97 of and provide care for epilepsy and seizure disorders. Such  
 98 training must include a course of instruction provided by a  
 99 nonprofit national organization that supports the welfare of  
 100 individuals with epilepsy and seizure disorders. The instruction  
 101 must be approved by the Department of Education and may be  
 102 provided online or in person. A training program provided to a  
 103 school district in an online format must be provided by the  
 104 nonprofit entity free of charge.

105 (4) If a school bus driver transports a student with  
 106 epilepsy or a seizure disorder, the school district must provide  
 107 the driver with all of the following:

108 (a) A notice of the student's condition.

109 (b) Information on how to provide the recommended care for  
 110 the student if he or she shows symptoms of the epilepsy or  
 111 seizure disorder.

112 (c) The contact information for the student's parent and  
 113 emergency contacts.

114 (d) Epilepsy and seizure disorder first aid training every  
 115 2 years.

116 (5) The school nurse or an appropriate school employee

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117 shall obtain a release from the student's parent to authorize  
118 the sharing of medical information between himself or herself  
119 and the student's health care providers. The release shall also  
120 authorize the school nurse or an appropriate school employee to  
121 share medical information with other school employees as  
122 necessary.

123 (6) A school employee, including a school nurse, a school  
124 bus driver, a school bus aide, or any other officer or agent of  
125 the school district, acting in good faith is not liable for an  
126 act or omission consistent with this section. The Board of  
127 Nursing may not take action against a school nurse for any act  
128 or omission taken by a person trained by the school nurse  
129 pursuant to this section. For purposes of this section, "good  
130 faith" does not include willful misconduct, gross negligence, or  
131 recklessness.

132 Section 2. This act shall take effect upon becoming a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 490

INTRODUCER: Senator Stewart and others

SUBJECT: Required Instruction in the History of Asian Americans and Pacific Islanders

DATE: January 14, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 490 requires public schools to provide instruction on the history of Asian Americans and Pacific Islanders, including the immigration, citizenship, civil rights, identity, and culture of Asian Americans and Pacific Islanders. Additionally, the bill requires instructional materials to include the contributions of Asian Americans and Pacific Islanders to American society.

The bill has no impact on state revenues or expenditures. The bill may have a fiscal impact to school districts. See section V.

This bill is effective July 1, 2022.

**II. Present Situation:**

**Asian Americans and Pacific Islanders**

Almost eight percent of the United States population is comprised of Asians and Pacific Islanders, with Florida's population being made up by nearly four percent of Asians and Pacific Islanders.<sup>1</sup> Asian Americans are the fastest-growing major racial or ethnic group in the United States.<sup>2</sup> More than 22 million Asians live in the United States and almost all trace their roots to specific countries or populations from East and Southeast Asia and the Indian subcontinent.<sup>3</sup>

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<sup>1</sup> United States Census Bureau, *Race and Ethnicity in the United States: 2010 Census and 2020 Census*, <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html> (last visited January 5, 2022).

<sup>2</sup> Pew Research Center, *Key facts about Asian origin groups in the U.S.*, <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-origin-groups-in-the-u-s/> (last visited January 5, 2022).

<sup>3</sup> *Id.*

Every May, Asian American and Pacific Islander (AAPI) Heritage month is celebrated to commemorate the arrival of the first Japanese immigrants to the United States on May 7, 1843, and the completion of the transcontinental railroad on May 10, 1869. The majority of the workers who laid the tracks were Chinese immigrants.<sup>4</sup> Among some of the AAPI communities' contributions to America's rich heritage are:<sup>5</sup>

- Birthright Citizenship: After a year-long battle between Wong Kim Ark (born in San Francisco to Chinese immigrants) and the U.S. Justice Department, the U.S. Supreme Court ruled in 1898 that children born in America to foreigners were U.S. citizens.
- Technology: Taiwanese American Jerry Yang co-founded the web portal Yahoo! and Taiwanese American Steven Chen co-founded the video-sharing platform YouTube.
- Architecture: Chinese American I.M. Pei designed the Rock & Roll Hall of Fame and Museum, the National Gallery of Art in Washington, D.C., and the Pyramid at the Louvre in Paris. Japanese American Minoru Yamasaki designed the original World Trade Center.
- Fashion: Chinese American fashion designer Vera Wang is best known for her bridal wear, and Thailand born designer Phillip Lim and his partner, Wen Zhou, grew their fledgling start-up to a successful international brand.

### **States Requiring Instruction on Asian American and Pacific Islander History**

In July 2021, Illinois became the first state to require Asian American history to be taught in public schools. Beginning in the 2022-2023 school year, every public elementary and high school in Illinois is required to include a unit on the history of Asian Americans, including their history in Illinois and the Midwest.<sup>6</sup>

New Jersey has proposed legislation that requires school districts to provide K-12 instruction on the history and contributions of AAPIs as part of implementation of New Jersey Student Learning Standards in Social Studies.<sup>7</sup> The proposed legislation has passed both Houses and is waiting to be signed by the governor. If the bill is signed into law, New Jersey will be the second state to mandate instruction on AAPI history.

### **Florida Required Instruction in Schools**

The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.<sup>8</sup> Each district school board must provide appropriate instruction to ensure that students meet State Board of Education (SBE) adopted

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<sup>4</sup> Food Safety and Inspection Service U.S. Department of Agriculture, *Asian American and Pacific Islander Contributions to our Nation's History*, <https://www.fsis.usda.gov/employees/employee-news-stories/aapi-2021> (last visited January 6, 2022).

<sup>5</sup> *Id.*

<sup>6</sup> EdWeek, *Illinois Becomes First State to Require Teaching Asian American History in Public Schools*, <https://www.edweek.org/teaching-learning/illinois-becomes-first-state-to-require-teaching-asian-american-history-in-public-schools/2021/07> (last visited January 10, 2022).

<sup>7</sup> New Jersey Legislature, Session 2020-2021, Bill A6100 Aca (1R) and Bill S4021 Aca (1R).

<sup>8</sup> Section 1000.03(4), F.S.

standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.<sup>9</sup>

Instructional staff of public schools, excluding charter schools,<sup>10</sup> subject to the rules of the SBE and the district school board, must provide instruction in:<sup>11</sup>

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the United States.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- The conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.

### III. Effect of Proposed Changes:

The bill amends s. 1003.42, F.S., to require instructional staff of public schools to provide instruction on the history of Asian Americans and Pacific Islanders (AAPI), including the immigration, citizenship, civil rights, identity, and culture of AAPIs.

Additionally, the bill requires instructional materials to include AAPI contributions to American society.

Requiring instruction on AAPI history could provide students with a better awareness and understanding of the historical, cultural, and societal impacts made by the AAPI communities.

This bill is effective July 1, 2022.

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<sup>9</sup> In 2020, the SBE adopted new standards for English language arts and mathematics, called the Benchmarks for Excellent Student Thinking (BEST) standards. The English language arts standards implementation began with the 2021-2022 school year and implementation of the math standards begin in the 2022-2023 school year. Section 1003.42(1), F.S.

<sup>10</sup> Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

<sup>11</sup> Section 1003.42(2), F.S.



**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

For those school districts that do not already provide instruction on the history of Asian Americans and Pacific Islanders, there may be a cost associated with including this instruction in the required curriculum.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 1003.42, 1006.148, and 1014.05 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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S00490  
GENERAL BILL by Stewart; (CO-INTRODUCERS) Bracy; Berman; Jones; (Identical H 00281)  
Required Instruction in the History of Asian Americans and Pacific Islanders. EFFECTIVE DATE: 07/01/2022.  
10/21/21 S Referred to Education; Appropriations Subcommittee on Education; Appropriations -SJ 28  
01/11/22 S Introduced -SJ 28  
01/13/22 S On Committee agenda-- Education, 01/18/22, 11:00 am, 412 Knott Building

By Senator Stewart

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1 A bill to be entitled  
 2 An act relating to required instruction in the history  
 3 of Asian Americans and Pacific Islanders; amending s.  
 4 1003.42, F.S.; requiring the history of Asian  
 5 Americans and Pacific Islanders to be included in  
 6 specified instruction; amending ss. 1006.148 and  
 7 1014.05, F.S.; conforming cross-references; providing  
 8 an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11 Section 1. Subsection (2) of section 1003.42, Florida  
 12 Statutes, is amended to read:

13 1003.42 Required instruction.—

14 (2) Members of the instructional staff of the public  
 15 schools, subject to the rules of the State Board of Education  
 16 and the district school board, shall teach efficiently and  
 17 faithfully, using the books and materials required that meet the  
 18 highest standards for professionalism and historical accuracy,  
 19 following the prescribed courses of study, and employing  
 20 approved methods of instruction, the following:

21 (a) The history and content of the Declaration of  
 22 Independence, including national sovereignty, natural law, self-  
 23 evident truth, equality of all persons, limited government,  
 24 popular sovereignty, and inalienable rights of life, liberty,  
 25 and property, and how they form the philosophical foundation of  
 26 our government.

27 (b) The history, meaning, significance, and effect of the  
 28 provisions of the Constitution of the United States and  
 29

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30 amendments thereto, with emphasis on each of the 10 amendments  
 31 that make up the Bill of Rights and how the constitution  
 32 provides the structure of our government.

33 (c) The arguments in support of adopting our republican  
 34 form of government, as they are embodied in the most important  
 35 of the Federalist Papers.

36 (d) Flag education, including proper flag display and flag  
 37 salute.

38 (e) The elements of civil government, including the primary  
 39 functions of and interrelationships between the Federal  
 40 Government, the state, and its counties, municipalities, school  
 41 districts, and special districts.

42 (f) The history of the United States, including the period  
 43 of discovery, early colonies, the War for Independence, the  
 44 Civil War, the expansion of the United States to its present  
 45 boundaries, the world wars, and the civil rights movement to the  
 46 present. American history shall be viewed as factual, not as  
 47 constructed, shall be viewed as knowable, teachable, and  
 48 testable, and shall be defined as the creation of a new nation  
 49 based largely on the universal principles stated in the  
 50 Declaration of Independence.

51 (g)1. The history of the Holocaust (1933-1945), the  
 52 systematic, planned annihilation of European Jews and other  
 53 groups by Nazi Germany, a watershed event in the history of  
 54 humanity, to be taught in a manner that leads to an  
 55 investigation of human behavior, an understanding of the  
 56 ramifications of prejudice, racism, and stereotyping, and an  
 57 examination of what it means to be a responsible and respectful  
 58 person, for the purposes of encouraging tolerance of diversity

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59 in a pluralistic society and for nurturing and protecting  
 60 democratic values and institutions, including the policy,  
 61 definition, and historical and current examples of anti-  
 62 Semitism, as described in s. 1000.05(7), and the prevention of  
 63 anti-Semitism. Each school district must annually certify and  
 64 provide evidence to the department, in a manner prescribed by  
 65 the department, that the requirements of this paragraph are met.  
 66 The department shall prepare and offer standards and curriculum  
 67 for the instruction required by this paragraph and may seek  
 68 input from the Commissioner of Education's Task Force on  
 69 Holocaust Education or from any state or nationally recognized  
 70 Holocaust educational organizations. The department may contract  
 71 with any state or nationally recognized Holocaust educational  
 72 organizations to develop training for instructional personnel  
 73 and grade-appropriate classroom resources to support the  
 74 developed curriculum.

75 2. The second week in November shall be designated as  
 76 "Holocaust Education Week" in this state in recognition that  
 77 November is the anniversary of Kristallnacht, widely recognized  
 78 as a precipitating event that led to the Holocaust.

79 (h) The history of African Americans, including the history  
 80 of African peoples before the political conflicts that led to  
 81 the development of slavery, the passage to America, the  
 82 enslavement experience, abolition, and the contributions of  
 83 African Americans to society. Instructional materials shall  
 84 include the contributions of African Americans to American  
 85 society.

86 (i) The history of Asian Americans and Pacific Islanders,  
 87 including the immigration, citizenship, civil rights, identity,

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88 and culture of Asian Americans and Pacific Islanders and the  
 89 contributions of Asian Americans and Pacific Islanders to  
 90 American society. Instructional materials shall include the  
 91 contributions of Asian Americans and Pacific Islanders to  
 92 American society.  
 93 (j) The elementary principles of agriculture.  
 94 (k) ~~(j)~~ The true effects of all alcoholic and intoxicating  
 95 liquors and beverages and narcotics upon the human body and  
 96 mind.  
 97 (l) ~~(k)~~ Kindness to animals.  
 98 (m) ~~(l)~~ The history of this ~~the~~ state.  
 99 (n) ~~(m)~~ The conservation of natural resources.  
 100 (o) ~~1. (n) 1.~~ Comprehensive age-appropriate and  
 101 developmentally appropriate K-12 health education that addresses  
 102 concepts of community health, consumer health, environmental  
 103 health, and family life, including:  
 104 a. Mental and emotional health.  
 105 b. Injury prevention and safety.  
 106 c. Internet safety.  
 107 d. Nutrition.  
 108 e. Personal health.  
 109 f. Prevention and control of disease.  
 110 g. Substance use and abuse.  
 111 h. Prevention of child sexual abuse, exploitation, and  
 112 human trafficking.  
 113 2. The health education curriculum for students in grades 7  
 114 through 12 shall include a teen dating violence and abuse  
 115 component that includes, but is not limited to, the definition  
 116 of dating violence and abuse, the warning signs of dating

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117 violence and abusive behavior, the characteristics of healthy  
118 relationships, measures to prevent and stop dating violence and  
119 abuse, and community resources available to victims of dating  
120 violence and abuse.

121 3. The health education curriculum for students in grades 6  
122 through 12 shall include an awareness of the benefits of sexual  
123 abstinence as the expected standard and the consequences of  
124 teenage pregnancy.

125 (p)~~(e)~~ Such additional materials, subjects, courses, or  
126 fields in such grades as are prescribed by law or by rules of  
127 the State Board of Education and the district school board in  
128 fulfilling the requirements of law.

129 (q)~~(p)~~ The study of Hispanic contributions to the United  
130 States.

131 (r)~~(q)~~ The study of women's contributions to the United  
132 States.

133 (s)~~(r)~~ The nature and importance of free enterprise to the  
134 United States economy.

135 (t)~~(s)~~ A character development program in the elementary  
136 schools, similar to Character First or Character Counts, which  
137 is secular in nature. Beginning in school year 2004-2005, the  
138 character development program shall be required in kindergarten  
139 through grade 12. Each district school board shall develop or  
140 adopt a curriculum for the character development program that  
141 shall be submitted to the department for approval.

142 1. The character development curriculum shall stress the  
143 qualities of patriotism; responsibility; citizenship; kindness;  
144 respect for authority, life, liberty, and personal property;  
145 honesty; charity; self-control; racial, ethnic, and religious

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146 tolerance; and cooperation.

147 2. The character development curriculum for grades 9  
148 through 12 shall, at a minimum, include instruction on  
149 developing leadership skills, interpersonal skills, organization  
150 skills, and research skills; creating a resume, including a  
151 digital resume; exploring career pathways; using state career  
152 planning resources; developing and practicing the skills  
153 necessary for employment interviews; conflict resolution,  
154 workplace ethics, and workplace law; managing stress and  
155 expectations; and developing skills that enable students to  
156 become more resilient and self-motivated.

157 3. The character development curriculum for grades 11 and  
158 12 shall include instruction on voting using the uniform primary  
159 and general election ballot described in s. 101.151(9).

160 (u)~~(t)~~ In order to encourage patriotism, the sacrifices  
161 that veterans and Medal of Honor recipients have made in serving  
162 our country and protecting democratic values worldwide. Such  
163 instruction must occur on or before Medal of Honor Day,  
164 Veterans' Day, and Memorial Day. Members of the instructional  
165 staff are encouraged to use the assistance of local veterans and  
166 Medal of Honor recipients when practicable.

167  
168 The State Board of Education is encouraged to adopt standards  
169 and pursue assessment of the requirements of this subsection. A  
170 character development program that incorporates the values of  
171 the recipients of the Congressional Medal of Honor and that is  
172 offered as part of a social studies, English Language Arts, or  
173 other schoolwide character building and veteran awareness  
174 initiative meets the requirements of paragraphs (t) ~~(s)~~ and (u)

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175 ~~(t)~~.

176 Section 2. Paragraph (c) of subsection (1) of section  
177 1006.148, Florida Statutes, is amended to read:

178 1006.148 Dating violence and abuse prohibited.—

179 (1) Each district school board shall adopt and implement a  
180 dating violence and abuse policy. The policy shall:

181 (c) Define dating violence and abuse and provide for a teen  
182 dating violence and abuse component in the health education  
183 curriculum, according to s. 1003.42(2)(o)2. ~~s. 1003.42(2)(n)2.~~,  
184 with emphasis on prevention education.

185 Section 3. Paragraphs (d) and (f) of subsection (1) of  
186 section 1014.05, Florida Statutes, are amended to read:

187 1014.05 School district notifications on parental rights.—

188 (1) Each district school board shall, in consultation with  
189 parents, teachers, and administrators, develop and adopt a  
190 policy to promote parental involvement in the public school  
191 system. Such policy must include:

192 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent  
193 to withdraw his or her minor child from any portion of the  
194 school district's comprehensive health education required under  
195 s. 1003.42(2)(o) ~~s. 1003.42(2)(n)~~ that relates to sex education  
196 or instruction in acquired immune deficiency syndrome education  
197 or any instruction regarding sexuality if the parent provides a  
198 written objection to his or her minor child's participation.  
199 Such procedures must provide for a parent to be notified in  
200 advance of such course content so that he or she may withdraw  
201 his or her minor child from those portions of the course.

202 (f) Procedures for a parent to learn about parental rights  
203 and responsibilities under general law, including all of the

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204 following:

205 1. Pursuant to s. 1002.20(3)(d), the right to opt his or  
206 her minor child out of any portion of the school district's  
207 comprehensive health education required under s. 1003.42(2)(o)  
208 ~~s. 1003.42(2)(n)~~ that relates to sex education instruction in  
209 acquired immune deficiency syndrome education or any instruction  
210 regarding sexuality.

211 2. A plan to disseminate information, pursuant to s.  
212 1002.20(6), about school choice options, including open  
213 enrollment.

214 3. In accordance with s. 1002.20(3)(b), the right of a  
215 parent to exempt his or her minor child from immunizations.

216 4. In accordance with s. 1008.22, the right of a parent to  
217 review statewide, standardized assessment results.

218 5. In accordance with s. 1003.57, the right of a parent to  
219 enroll his or her minor child in gifted or special education  
220 programs.

221 6. In accordance with s. 1006.28(2)(a)1., the right of a  
222 parent to inspect school district instructional materials.

223 7. In accordance with s. 1008.25, the right of a parent to  
224 access information relating to the school district's policies  
225 for promotion or retention, including high school graduation  
226 requirements.

227 8. In accordance with s. 1002.20(14), the right of a parent  
228 to receive a school report card and be informed of his or her  
229 minor child's attendance requirements.

230 9. In accordance with s. 1002.23, the right of a parent to  
231 access information relating to the state public education  
232 system, state standards, report card requirements, attendance

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233 requirements, and instructional materials requirements.

234 10. In accordance with s. 1002.23(4), the right of a parent  
235 to participate in parent-teacher associations and organizations  
236 that are sanctioned by a district school board or the Department  
237 of Education.

238 11. In accordance with s. 1002.222(1)(a), the right of a  
239 parent to opt out of any district-level data collection relating  
240 to his or her minor child not required by law.

241 Section 4. This act shall take effect July 1, 2022.



**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1034  
INTRODUCER: Senator Gruters  
SUBJECT: William L. Boyd, IV, Effective Access to Student Education Grant Program  
DATE: January 14, 2022 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	<b>Pre-meeting</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

**I. Summary:**

SB 1034 revises the institutions a student must attend to be eligible to receive a William L. Boyd, Effective Access to Student Education (EASE) tuition assistance grant to include for-profit independent colleges or universities that have a Level 5 accreditation from the Commission on Colleges of the Southern Association of College and Schools.

The bill has an indeterminate fiscal impact.

This bill is effective July 1, 2022.

**II. Present Situation:**

**William L. Boyd, IV, Effective Access to Student Education (EASE) Tuition Assistance Grant Program**

The William L. Boyd, IV, Effective Access to Student Education (EASE) program<sup>1</sup> provides tuition assistance to Florida undergraduate students attending an eligible private, non-profit Florida college or university.<sup>2</sup> The program is not related to a student’s financial need or other criteria upon which financial aid programs are based.<sup>3</sup> The program is administered by the Department of Education (DOE)<sup>4</sup> with the following parameters:

- Student initial eligibility requirements:<sup>5</sup>
  - Must be a resident of Florida and meet the eligibility requirements for receipt of state aid.

<sup>1</sup> Section 471, ch. 2002-387, L.O.F.; The EASE program was formerly known as the Florida Resident Access Grant (FRAG).

<sup>2</sup> Section 1009.89(3)-(4), F.S.

<sup>3</sup> Section 1009.89(1), F.S.

<sup>4</sup> Section 1009.89(2), F.S.; See also Rule 6A-20.007, F.A.C.

<sup>5</sup> Section 1009.89(4)(a)-(b), F.S.

- Must be enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree.<sup>6</sup>
- Must not be enrolled in a program of study leading to a degree in theology or divinity.
- Must be making satisfactory academic progress as defined by the State Board of Education.
- Must not have completed more than 110 percent of the degree program in which the student is enrolled.
- Institutional eligibility requirements:<sup>7</sup>
  - Must be an independent nonprofit college or university.
  - Must be located in and chartered by the state of Florida.
  - Must be accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
  - Must grant baccalaureate degrees.
  - Must not be a state university or Florida College System (FCS) institution.
  - Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

Funding for the EASE program is provided for in the General Appropriations Act (GAA).<sup>8</sup> In fiscal year (FY) 2021-2022, the Legislature appropriated \$114,861,630 million for the EASE program to support 40,430 eligible students with an average award amount per student of \$2,841 in tuition assistance.<sup>9</sup> Currently, 34 institutions participate in the EASE program.<sup>10</sup>

During the 2021 Regular Session, the Legislature required an institution which receives EASE funding to submit an accountability report to the DOE by September 1 of each year.<sup>11</sup> The report must, at a minimum, report the following performance metrics:<sup>12</sup>

- Access rate based upon percentage of Pell-eligible students.
- Affordability rate based upon average student load debt; federal, state, and institutional financial assistance; and average tuition and fees.
- Graduation rate.
- Retention rate.
- Postgraduate employment or continuing education rate.

The DOE is required to provide recommendations regarding minimum performance standards an institution must meet to remain eligible to receive EASE funding.<sup>13</sup> By October 1 of each year,

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<sup>6</sup> The student may not have previously received a baccalaureate degree. Florida Department of Education, Office of Student Financial Assistance, *EASE 2021-22 End of Year Fact Sheet*, at 1, available at <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/EASE.pdf>.

<sup>7</sup> Section 1009.89(3), F.S.

<sup>8</sup> Section 1009.89(5)(a), F.S.

<sup>9</sup> Specific Appropriation 64, s. 2, ch. 2021-36, L.O.F.

<sup>10</sup> Florida Department of Education, Presentation to the Higher Education Appropriations Subcommittee, *Effective Access to Student Education (EASE) Grant Accountability Reporting* (Oct. 21, 2021), at 18, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3089&Session=2022&DocumentType=Meeting+Packets&FileName=hea+10-21-21.pdf>.

<sup>11</sup> Section. 4, ch. 2021-46, L.O.F., *codified at* s. 1009.89(5)(c), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 1009.89(5)(c), F.S. (flush left provision at the end of the subparagraph)

the DOE must submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor’s Office of Policy and Budget on the performance of eligible institutions and the institutions which have not met the minimum performance standards recommended by the DOE.<sup>14</sup>

Based on the first collection of accountability data from participating EASE institutions in 2021,<sup>15</sup> the DOE recommended the following benchmarks for 2022-2023 continued eligibility in the EASE program:<sup>16</sup>

EASE Eligibility Metric	Benchmark
Access Rate	53 Percent
Affordability Rate	\$6,343
Graduation Rate	53 Percent
Retention Rate	68 Percent
Postgraduate Employment/Continuing Education Rate	49 Percent

**The Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program**

In 2003, the Legislature established the Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program within the DOE.<sup>17</sup> The grant program provided tuition assistance to Florida undergraduate students at eligible institutions until its repeal by the Legislature in 2021.<sup>18</sup> Previously under ABLE, eligible Florida undergraduate students attending an eligible private, for-profit Florida college or university or an eligible non-profit college or university were eligible for tuition assistance.<sup>19</sup> The program was not related to a student’s financial need or other criteria upon which financial aid programs are based.<sup>20</sup> The grant program was administered by the DOE with the following institutional eligibility requirements:<sup>21</sup>

- For-profit college or university:
  - Must be located in and chartered by the state of Florida.
  - Must be accredited by the SACSCOC.
- Nonprofit college or university:
  - Must be chartered out of the state.
  - Must have been located in the state for 10 years or more.
  - Must be accredited by one of the following: SACSCOC, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools.
  - Must grant baccalaureate degrees.

<sup>14</sup> Section 1009.89(5)(d), F.S.

<sup>15</sup> Florida Department of Education, Presentation to the Higher Education Appropriations Subcommittee, *Effective Access to Student Education (EASE) Grant Accountability Reporting* (Oct. 21, 2021), at 17, 19, & 20, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3089&Session=2022&DocumentType=Meeting+Packets&FileName=hea+10-21-21.pdf>.

<sup>16</sup> *Id.* at 21. The DOE calculated the benchmarks by removing the three highest reported institution numbers and three lowest reported institution numbers from the calculation and averaged the remaining data to establish the metrics.

<sup>17</sup> Section 1, ch. 2003-65, L.O.F., codified at s. 1009.891, F.S.

<sup>18</sup> Section 5, ch. 2021-46, L.O.F.

<sup>19</sup> Section 1009.891(3), F.S. (2020) repealed s. 5, ch. 2021-46, L.O.F.

<sup>20</sup> *Id.* at (1).

<sup>21</sup> *Id.* at (3).

- Must not be a state university or FCS institution.
- Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

In the FY 2020-21 GAA, the Legislature appropriated \$5,025,729 for ABLE to support 1,769 eligible students with an average award amount per student of \$2,841 in tuition assistance.<sup>22</sup>

### **Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)**

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the Southern states.<sup>23</sup> The mission of the SACSCOC is the enhancement of education quality throughout the region and the improvement of the effectiveness of institutions by ensuring that they meet standards established by the higher education community that address the needs of society and students.<sup>24</sup>

Accreditation by SACSCOC signifies that the institution has a mission appropriate to higher education, has resources, programs, and services sufficient to accomplish and sustain that mission, and maintains clearly specified educational objectives that are consistent with its mission and appropriate to the degrees it offers, and that indicate whether it is successful in achieving its stated objectives.<sup>25</sup>

Classified according to the highest degree offered, SACSCOC member institutions are placed into one of the following six categories:<sup>26</sup>

- Level I – Associate
- Level II – Baccalaureate
- Level III – Master
- Level IV – Educational Specialist
- Level V – Doctorate (3 or fewer programs)
- Level VI – Doctorate (4 or more programs)

### **III. Effect of Proposed Changes:**

The bill amends s. 1009.89, F.S., revising the institutions a student must attend to be eligible to receive an Effective Access to Student Education (EASE) grant to include for-profit independent colleges or universities that have a Level 5 accreditation from the Commission on Colleges of the Southern Association of College and Schools (SACSCOC). Students at for-profit institutions

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<sup>22</sup> Specific Appropriation 64, s. 2, ch. 2020-111, L.O.F.

<sup>23</sup> SACSCOC, *About SACSCOC*, <https://sacscoc.org/> (last visited Jan. 13, 2022). The SACSCOC accredits institutions in the following Southern states: Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Latin America and certain other international sites.

<sup>24</sup> *Id.*

<sup>25</sup> SACSCOC, *The Principles of Accreditation: Foundations for Quality Enhancement* (December 2017), available at <https://sacscoc.org/app/uploads/2019/08/2018PrinciplesOfAccreditation.pdf>.

<sup>26</sup> Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List* (July 2021), available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>.

that met the eligibility for the Access to Better Learning and Education (ABLE) program prior to its repeal and have level 5 accreditation may now be eligible for an EASE grant.

Florida has five for-profit independent colleges and universities that have accreditation from SACSCOC,<sup>27</sup> with two having a Level 5 or higher classification.<sup>28</sup>

This bill is effective July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

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<sup>27</sup> Florida has five SACSCOC accredited institutions: EPCI University, Florida National University, Lincoln Memorial University, St. John Vianney College Seminary, and Troy University – Ft. Walton Beach. Staff Analysis of the Florida Senate Appropriation Subcommittee on Education, Florida Department of Education, Commission for Independent Education, *Nonpublic Postsecondary School/College Search*, <https://web02.fldoe.org/CIE/SearchSchools/SchoolSearch.aspx> (last visited Jan. 13, 2022).

<sup>28</sup> Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List (July 2021)* available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>. SACSCOC has classified Lincoln Memorial University as a Level 6 and Troy University as a Level 5. It is unclear in the bill whether an institution must have Level 5 accreditation, or Level 5 or above.

**B. Private Sector Impact:**

The bill may provide a cost savings to eligible students by way of tuition assistance for those students who are enrolled in a postsecondary institution which may now be eligible to participate in the Effective Access to Student Education (EASE) grant program.

**C. Government Sector Impact:**

The fiscal impact of the bill is indeterminate. Removing the nonprofit requirement for institutions to participate in the EASE program could increase the number of institutions and students that may be eligible to receive EASE grants.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1009.89 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

S01034  
GENERAL BILL by Gruters; (Similar H 06067)  
William L. Boyd, IV, Effective Access to Student Education Grant Program. EFFECTIVE DATE: 07/01/2022.  
12/13/21 S Referred to Education; Appropriations Subcommittee on Education; Appropriations -SJ 69  
01/11/22 S Introduced -SJ 69  
01/13/22 S On Committee agenda-- Education, 01/18/22, 11:00 am, 412 Knott Building

By Senator Gruters

23-00874C-22

20221034\_\_

A bill to be entitled

An act relating to the William L. Boyd, IV, Effective Access to Student Education Grant Program; amending s. 1009.89, F.S.; revising the institutions a student must attend to receive a William L. Boyd, IV, Effective Access to Student Education grant to include certain for-profit independent colleges and universities; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1) and (3) of section 1009.89, Florida Statutes, are amended to read:

1009.89 The William L. Boyd, IV, Effective Access to Student Education grants.—

(1) The Legislature finds and declares that independent ~~nonprofit~~ colleges and universities eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of independent ~~nonprofit~~ colleges and universities reduces the tax burden on the citizens of the state. Because the William L. Boyd, IV, Effective Access to Student Education Grant Program is not related to a student's financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the William L. Boyd, IV, Effective Access to Student Education Grant Program not be considered a financial

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

23-00874C-22

20221034\_\_

aid program but rather a tuition assistance program for its citizens.

(3) The department shall issue through the program a William L. Boyd, IV, Effective Access to Student Education grant to any full-time degree-seeking undergraduate student registered at an independent ~~nonprofit~~ college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or Florida College System institution; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. A for-profit college or university must have Level 5 accreditation from the Commission on Colleges of the Southern Association of College and Schools in addition to the foregoing requirements.

Section 2. This act shall take effect July 1, 2022.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1122

INTRODUCER: Senator Gainer

SUBJECT: Student Fees

DATE: January 14, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazes	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			AP	

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**I. Summary:**

SB 1122 authorizes a district school board or a Florida College System (FCS) institution board of trustees (BOT), in consultation with regional workforce and economic development organizations, to implement a plan for a differential out-of-state fee for the purpose of recruiting students into postsecondary programs of study identified as necessary to address unmet current and future workforce needs in the region.

The bill has no impact on state revenues or expenditures. However, FCS institutions and school districts that choose to implement the differential out-of-state fee for the purposes of recruiting students could experience a loss of fee revenues from students who are charged the differential out-of-state fee.

The bill takes effect July 1, 2022.

**II. Present Situation:**

**Florida College System (FCS)**

The FCS is established to, among other duties, provide access to undergraduate education to the students of this state, and to respond quickly and efficiently to meet the demand of communities by aligning certificate and degree programs with local and regional workforce needs.<sup>1</sup> The FCS is comprised of 28 institutions.<sup>2</sup> FCS institutions provide associate, baccalaureate degrees, and

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<sup>1</sup> Art. IX, s. 8(a), Fla. Const.

<sup>2</sup> Section 1000.21(3), F.S. The FCS institutions are Eastern Florida State College; Broward College; College of Central Florida; Chipola College; Daytona State College; Florida SouthWestern State College; Florida State College at Jacksonville; The College of the Florida Keys; Gulf Coast State College; Hillsborough Community College; Indian River State College; Florida Gateway College; Lake-Sumter State College; State College of Florida, Manatee-Sarasota; Miami Dade College; North Florida College; Northwest Florida State College; Palm Beach State College; Pasco-Hernando State College;

postsecondary workforce education programs at a savings to the student and to the state over the cost of providing the degree at a state university.<sup>3</sup> Each FCS institution is governed by a local board of trustees (BOT).<sup>4</sup> The FCS BOT members are appointed by the Governor to staggered four-year terms, and confirmed by the Senate.<sup>5</sup>

The mission of FCS institutions reflects a commitment to be responsive to local educational needs and challenges. In 2019-2020, the FCS had approximately 715,044 students enrolled in degree and certificate programs.<sup>6</sup> The table below provides a breakdown of student enrollment in the various educational programs offered by FCS institutions:<sup>7</sup>

<b>Programs (2019-2020)*</b>	<b>Enrollment</b>	<b>Degrees/Certificates Awarded</b>
Unduplicated Total Enrollment and Degrees/Certificates Awarded	715,044	113,212
Bachelor's Degree Program	45,943	9,477
Associate in Arts Degree (AA)	307,158	58,420
Associate in Science Degree (AS)	102,451	14,743
College Credit Certificates (CCC)	44,907	31,514
Postsecondary CTE (PSAV-ATD)	17,632	7,482
Advanced Technical Certificate (ATC)	700	420
Educator Preparation Institute (EPI)	1,147	403
Certificate of Professional Prep	132	104
Apprenticeship	3,016	126
College and Vocational Preparatory	47,657	N/A
Adult Education and Basic Secondary	22,285	N/A
Continuing Workforce Education	55,977	N/A
Life Long Learning	823	N/A
Recreation and Leisure	21,450	N/A

\*Students may enroll in more than one program.

### ***Florida College System Tuition and Fees***

Each FCS BOT is required to establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the standard tuition rate and out-of-state fees

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Pensacola State College; Polk State College; St. Johns River State College; St. Petersburg College; Santa Fe College; Seminole State College of Florida; South Florida State College; Tallahassee Community College; and Valencia College.

<sup>3</sup> Section 1001.60(2)(a), F.S.

<sup>4</sup> Art. IX, s. 8, Fla. Const. *See also* sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S. FCS institutions are statutorily designated as political subdivisions of the state. Section 1004.67, F.S.

<sup>5</sup> Section 1001.61(2), F.S.

<sup>6</sup> Florida Department of Education, Florida College System, *2021 Fact Book*, <https://www.fldoe.org/accountability/data-sys/CCTCMIS/reports.stml>, (last visited Jan. 11, 2021).

<sup>7</sup> *Id.*

determined by the Legislature.<sup>8</sup> An FCS BOT may also establish additional fees to support activities such as capital improvements, student activities and services, and technology.<sup>9</sup>

Since July 1, 2014, the standard tuition for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs is \$71.98 per credit hour for residents and nonresidents, and the out-of-state fee is \$215.94 per credit hour.<sup>10</sup> Since July 1, 2014, for baccalaureate degree programs the tuition is \$91.79 per credit hour for students who are residents for tuition purposes.<sup>11</sup> For students who are nonresidents for tuition purposes, the tuition and out-of-state fee cannot be more than 85 percent of the sum of the tuition and the out-of-state fee at the state university nearest the FCS institution.<sup>12</sup>

An FCS BOT may establish differential out-of-state fees:<sup>13</sup>

- For an FCS institution that has a service area that borders another state.
- For a student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21, F.S.,<sup>14</sup> and is enrolled in a distance learning course offered by the institution.<sup>15</sup>

### **Postsecondary Workforce Education**

FCS institutions and school district career centers may offer postsecondary workforce education programs.

#### ***School District Career Centers***

District school boards operate, control, and supervise public schools in the school district.<sup>16</sup> Any district school board, after first obtaining the approval of the Department of Education (DOE), may, as a part of the district school system, organize, establish and operate a career center.<sup>17</sup> A school district career center may offer terminal courses of a technical nature, and courses for out-of-school youth and adults, and is directed by a director responsible through the district school superintendent to the district school board.<sup>18</sup> In 2019-20, approximately 179,112 students were served by Florida's career centers.<sup>19</sup>

#### ***Postsecondary Workforce Education Programs***

Workforce education programs at district technical centers and FCS institutions include:

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<sup>8</sup> Section 1009.23(4), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 1009.23(3)(a), F.S.

<sup>11</sup> Section 1009.23(3)(b)(1.), F.S.

<sup>12</sup> Section 1009.23(3)(b)(2.), F.S.

<sup>13</sup> Section 1009.23(6)(a)-(b), F.S.

<sup>14</sup> Section 1009.21, F.S., delineates the requirements for resident status for tuition purposes.

<sup>15</sup> A differential out-of-state fee established must be applicable only to distance learning courses and must be established such that the sum of tuition and the differential out-of-state fee is sufficient to defray the full cost of instruction. Section 1009.23(6)(b), F.S.

<sup>16</sup> Art. IX, s. 4(b), Fla. Const.

<sup>17</sup> Section 1001.44(1), F.S.

<sup>18</sup> Section 1001.44(3)(a), F.S.

<sup>19</sup> Get There, Florida's Workforce Education Initiative, *Area Technical Centers: Supporting Postsecondary Skill and Credential Attainment in Florida*, at 2(2020) available at <https://areatechnicalcenters.org/wp-content/uploads/2021/02/ATC-StateProfile-Florida.pdf>.

- Adult general education programs.
- Career certificate programs.
- Applied technology diploma (ATD) programs.<sup>20</sup>
- Continuing workforce education courses.
- Degree career education programs (at FCS institutions only).
- Apprenticeship and preapprenticeship programs.

### ***Postsecondary Workforce Education Tuition and Fees***

For workforce education programs at an FCS institution or district career center that lead to a career certificate or an ATD, the standard tuition is \$2.33 per contact hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour.<sup>21</sup> District school boards and FCS institutions may adopt tuition and out-of-state fees that vary no more than 5 percent below or 5 percent above the combined total of the standard tuition and out-of-state fees.<sup>22</sup> Similar to the authorization for an FCS institution, a district school board for a school district that borders another state may implement a plan for a differential out-of-state fee.<sup>23</sup>

### **Determination of resident status for tuition purposes**

To qualify as a resident, a student or, if that student is a dependent, their parent or parents, must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to enrolling in a postsecondary institution.<sup>24</sup> Each postsecondary institution is required to determine whether an applicant meets the residency requirements.<sup>25</sup> The documentation needed for determining residency must be submitted to the postsecondary institution by the student.<sup>26</sup>

### **Comprehensive Local Needs Assessments**

In 2018, The Strengthening Career and Technical Education for the 21st Century Act reauthorized the Carl D. Perkins Career and Technical Education Act of 2006.<sup>27</sup> As part of the act, eligible recipient<sup>28</sup> (institutions) receiving Perkins V funding have to conduct a comprehensive local needs assessment related to career and technical education.<sup>29</sup> In the comprehensive local needs assessment, the eligible entity must describe how the career and technical programs offered are aligned to the in-demand industry identified by the state

<sup>20</sup> An ATD may be offered by either a career center or FCS institution, but a career center may offer an ATD only for non-degree career credit. Section 1004.02(7), F.S.

<sup>21</sup> Section 1009.22(3)(c), F.S.

<sup>22</sup> Section 1009.22(3)(d), F.S.

<sup>23</sup> Section 1009.22(4), F.S.

<sup>24</sup> Section 1009.21(2)(a)1., F.S.

<sup>25</sup> Section 1009.21(3)(c) F.S.

<sup>26</sup> *Id.* The documentation required to determine residency status are listed in Section 1009.21(3)(c)1.a-h, F.S. and 1009.21(3)(c)1.a-h, F.S 2.a-f, F.S.

<sup>27</sup> Pub. L. No. 107-110

<sup>28</sup> 20 U.S.C. s 2302(21) defines an eligible recipient as a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, an Indian Tribe, Tribal organization, or Tribal educational agency or a consortium.

<sup>29</sup> 20 U.S.C. s 2354 (C).

workforce development board<sup>30</sup> and the programs that are designed to meet local education or economic needs not identified by the state and local workforce boards.<sup>31</sup> In conducting the local comprehensive needs assessment an institution is required to involve a diverse body of stakeholders:<sup>32</sup>

- Representatives of career and technical education programs in a local educational agency or educational service agency.
- Representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators.
- Representatives of the State board or local workforce development boards and a range of local or regional businesses or industries.
- Parents and students.
- Representatives of special populations.
- Representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth.
- Representatives of Indian Tribes and Tribal organizations in the State, where applicable.
- Other stakeholders that the eligible agency may require the eligible recipient to consult.

### III. Effect of Proposed Changes:

The bill adds additional flexibility in the establishment of differential out-of-state fees by authorizing a district school board or Florida College System (FCS) board of trustees (BOT) to implement a plan for a differential out-of-state fee for the purpose of recruiting students into postsecondary programs of study identified as necessary to address unmet current and future workforce needs in the region. The bill requires that a district school board or FCS institution BOT consult with regional workforce and economic development organizations when implementing the plan.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>30</sup> Federal law requires states to identify regional planning areas for workforce development strategies. 29 U.S.C. s. 3121. Within each area, a local workforce development board (LWBD) must be established. *Id.* Each of Florida's 24 LWDBs formulates a local budget and oversees the delivery of workforce services within its local area. Section 445.007(12), F.S.

<sup>31</sup> 20 U.S.C. s 2354 (2)(B)(I)(II).

<sup>32</sup> 20 U.S.C. s 2354 (2)(d)1-8.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill has no impact on state revenues or expenditures. However, FCS institutions and school districts that choose to implement the differential out-of-state fee for the purposes of recruiting students could experience a loss of fee revenues from students who are charged the differential out-of-state fee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 1009.22 and 1009.23 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

S01122  
GENERAL BILL by Gainer; (Similar H 00991)  
Student Fees. EFFECTIVE DATE: 07/01/2022.  
01/05/22 S Referred to Education; Appropriations Subcommittee on Education; Appropriations -SJ 75  
01/11/22 S Introduced -SJ 75  
01/13/22 S On Committee agenda-- Education, 01/18/22, 11:00 am, 412 Knott Building

By Senator Gainer

2-01041-22

20221122\_\_

1 A bill to be entitled  
 2 An act relating to student fees; amending s. 1009.22,  
 3 F.S.; authorizing a district school board or Florida  
 4 College System institution board of trustees, in  
 5 consultation with specified entities, to implement a  
 6 plan for a differential out-of-state fee; providing  
 7 the purpose of the plan; amending s. 1009.23, F.S.;  
 8 authorizing a Florida College System institution board  
 9 of trustees, in consultation with specified entities,  
 10 to implement a plan for a differential out-of-state  
 11 fee; providing the purpose of the plan; providing an  
 12 effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Subsection (4) of section 1009.22, Florida  
 17 Statutes, is amended to read:

18 1009.22 Workforce education postsecondary student fees.—

19 (4) (a) A district school board or Florida College System  
 20 institution board of trustees that has a service area that  
 21 borders another state may implement a plan for a differential  
 22 out-of-state fee.

23 (b) A district school board or Florida College System  
 24 institution board of trustees, in consultation with regional  
 25 workforce and economic development organizations, may implement  
 26 a plan for a differential out-of-state fee for the purpose of  
 27 recruiting students into programs of study identified as  
 28 necessary to address unmet current and future workforce needs in  
 29 the region.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 Section 2. Present paragraph (b) of subsection (6) of  
 31 section 1009.23, Florida Statutes, is redesignated as paragraph  
 32 (c), and a new paragraph (b) is added to that subsection, to  
 33 read:

34 1009.23 Florida College System institution student fees.—  
 35 (6)

36 (b) A Florida College System institution board of trustees,  
 37 in consultation with regional workforce and economic development  
 38 organizations, may implement a plan for a differential out-of-  
 39 state fee for the purpose of recruiting students into programs  
 40 of study identified as necessary to address unmet current and  
 41 future workforce needs in the region.

42 Section 3. This act shall take effect July 1, 2022.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 1294

INTRODUCER: Senator Gruters

SUBJECT: Individual Education Plan Meetings

DATE: January 14, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	<b>Pre-meeting</b>
2.			GO	
3.			RC	

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**I. Summary:**

SB 1294 authorizes a parent of a public school student, in accordance with specified limitations, to audio or video record any meeting with his or her child’s Individual Education Plan (IEP) team, provided that the parent notifies the school district in writing of his or her intent to record the meeting at least 24 hours in advance of the meeting.

There is no fiscal impact to the state. The fiscal impact of the bill to individuals is indeterminate, but likely minimal. See Section V.

The bill takes effect on July 1, 2022.

**II. Present Situation:**

**Students with Disabilities**

All students who are between the ages of 3 to 21 and have a disability have the right to a free, appropriate public education (FAPE)<sup>1</sup> and related services designed to meet their unique needs. Infants and toddlers, birth through age 2, with disabilities and their families may receive early intervention services.<sup>2</sup>

It is the responsibility of each state and school district to develop procedures consistent with the requirement that all students with disabilities have access to a FAPE in the least restrictive environment.<sup>3</sup>

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<sup>1</sup> Section 1003.5716, F.S.

<sup>2</sup> U.S. Department of Education, *IDEA Purpose*, <https://sites.ed.gov/idea/about-idea> (last visited Jan. 11, 2022).

<sup>3</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

### ***Individuals with Disabilities Education Act (IDEA)***

The Individuals with Disabilities Education Act (IDEA) is a federal law that makes available a FAPE to eligible children with disabilities throughout the nation and ensures special education and related services are provided to those children. For the 2018-19 school year, more than 7.5 million eligible infants, toddlers, children, and youth with disabilities were provided early intervention, special education, and related services.<sup>4</sup> In Florida more than 500,000 students are considered exceptional education students and may qualify for special education and related services.<sup>5</sup>

The stated purpose of the IDEA is to:<sup>6</sup>

- Ensure that all children with disabilities have a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- Ensure that the rights of children with disabilities and parents of such children are protected;
- Assist states, localities, educational service agencies, and federal agencies to provide for the education of all children with disabilities;
- Assist states in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- Ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and
- Assess, and ensure the effectiveness of, efforts to educate children with disabilities.

### ***The Individual Education Plan***

The Individual Education Plan (IEP) is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a Florida student with a disability.<sup>7</sup> IDEA requires that:<sup>8</sup>

- Students with disabilities who meet the criteria of one or more categories of disability specified in law and who need special education services have an IEP;
- The IEP must be reviewed at least annually and revised as necessary;
- Due process rights are guaranteed;
- Student records are confidential;
- Parents are important partners in the IEP process and must be invited to all IEP meetings; and
- Student evaluation procedures are nondiscriminatory.

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<sup>4</sup> U.S. Department of Education, *IDEA Individuals with Disabilities Education Act*, <https://sites.ed.gov/idea/about-idea/#IDEA-Purpose> (last visited Jan. 11, 2022).

<sup>5</sup> Florida Department of Education, *Pk-12 Public Quality School Data Publications and Reports, Membership in Programs for Exceptional Students, Final Survey 2, 2019-20*, <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/archive.stml> (last visited Jan. 13, 2022).

<sup>6</sup> *Id.*

<sup>7</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

<sup>8</sup> *Id.*

### ***Individual Educational Plan Team***

The required participants in the IEP team have different roles. The school district must provide prior written notice that describes the purpose of the meeting and the title or position of those who will be attending. The IEP team includes the following members:<sup>9</sup>

- The student's parent(s) or guardian;
- The student, as appropriate, and in all meetings that address transition services needs and consideration of postsecondary education and career goals;
- At least one general education teacher if the student may be participating in the regular education environment;
- At least one special education teacher or service provider;
- A school district representative who is qualified to provide or supervise the provision of specially designed instruction and is knowledgeable about the general education curriculum and the availability of school district resources;
- An individual who can interpret the instructional implications of the evaluation results; and
- Other individuals who have knowledge or special expertise regarding the student, including related services personnel.

### **Parent Involvement**

Parents have a number of important roles in the IEP process. They bring firsthand knowledge about the strengths of their child and their concerns for enhancing their child's education. The parents can provide information about the day-to-day life, including their child's particular ways of accomplishing tasks in different settings, and their perspective on the needs of their child.<sup>10</sup>

Parents must be given an opportunity to participate in meetings concerning the IEP and educational placement for their child. Parents may also invite others who have special knowledge or expertise.<sup>11</sup> School district personnel may not object to the attendance of such a person or discourage parents from inviting another person to attend the meeting. The school district is prohibited from taking actions, making a statement, or using other means to coerce, harass, retaliate or threaten consequences related to bringing other adults to the meeting. The parents and school district personnel attending the meeting are provided an opportunity at the end of the meeting to sign a document that states whether any school district personnel have prohibited, discouraged or attempted to discourage the parents from inviting a person of their choice to the meeting.<sup>12</sup>

### **IEP Team Meetings**

Parents must be notified early enough to ensure that one or both of the parents have the opportunity to attend. The IEP meeting should be scheduled at a mutually agreed upon time and place.<sup>13</sup>

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<sup>9</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 13. See also 34 CFR §300.321(a) and (b).

<sup>10</sup> *Id.* at 14.

<sup>11</sup> *Id.*

<sup>12</sup> Section 1002.20(21)(a), F.S.

<sup>13</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 18.

The written notice must indicate the time, location and purpose of the meeting along with a list of who will be attending. The notice must also inform the parents about their right to invite individuals with special knowledge or expertise about their child to be a member of the IEP team.<sup>14</sup>

School districts must maintain a record of the attempts to setup a meeting and invite the parents. At least one attempt must be through a written notice and a second attempt must be made if there has been no response to the first notice. Documentation may include detailed records of telephone calls, copies of correspondence or detailed records of visits to the parents' home or place of employment.<sup>15</sup>

If neither parent can attend the meeting, the district must offer to use other methods of parent participation, such as a conference call, video conferencing or web conferencing. The use of any alternate form of participation requires that all members of the IEP team, including the parents, are comfortable with the alternate format. If parents are unable or unwilling to use alternate methods of participation, the district may obtain parent input by interviewing the parent or asking the parent to submit input in writing. If the parents are unable to attend the IEP team meeting and the meeting is conducted in their absence, the school district must keep a record of the attempts to involve the parents.<sup>16</sup>

The participants at the IEP team meeting may be asked to sign a form or otherwise document their attendance at the meeting. There is no requirement that a minimum number of individuals attend the meeting, only that the required roles are fulfilled and the appropriate excusal procedures are followed.<sup>17</sup>

### Recording IEP Meetings

The United States Department of Education (USDOE) has provided guidance on the use of audio or video recording devices at IEP meetings.<sup>18</sup> IDEA does not address the use of audio or video recording devices at IEP meetings, and no other federal statute either authorizes or prohibits the recording of an IEP meeting by either a parent or a school official. Therefore, a public agency has the option to require, prohibit, limit, or otherwise regulate the use of recording devices at IEP meetings.<sup>19</sup>

If a public agency has a policy that prohibits or limits the use of recording devices at IEP meetings, that policy must provide for exceptions if they are necessary to ensure the parent understands the IEP or the IEP process or to implement other parental rights under IDEA.<sup>20</sup>

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<sup>14</sup> Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 19.

<sup>15</sup> *Id.* at 20.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 24. See also 34 CFR §300.321(a) and (b).

<sup>18</sup> United States Department of Education, *Office of Special Education and Rehabilitative Services* (2003), available at <https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/letters/2003-2/redact060403iep2q2003.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

Any recording of an IEP meeting that is maintained by the public agency is an “education record” within the meaning of the Family Educational Rights and Privacy Act (FERPA), and would be subject to the confidentiality requirements and regulations under FERPA and IDEA.<sup>21</sup>

### **Family Educational Rights and Privacy Act**

With limited exceptions, school districts may not disclose personally identifiable information contained within student records to a third party without parental consent.<sup>22</sup> FERPA applies to all schools that receive funds under an applicable program of the USDOE.

FERPA gives parents certain rights with respect to their children’s education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Such rights include parents or eligible students having the right to:<sup>23</sup>

- Inspect and review the student’s education records maintained by the school.
- Request that a school correct records which they believe to be inaccurate or misleading.

Sections 1002.22 and 1002.225, F.S., incorporate the FERPA into Florida law as it applies to public K-12 students and public postsecondary educational institutions, respectively. The FERPA only applies to records created for an educational purpose and maintained by an educational agency.

### **Parental Rights**

Florida law provides that parental rights are reserved to the parent of a minor child without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution. Such rights include specified education-related rights, including the right to:<sup>24</sup>

- Direct the education and care of his or her minor child.
- Direct the upbringing and the moral or religious training of his or her minor child.
- Apply to enroll his or her minor child in a public or other school authorized by law.
- Access and review all school records relating to his or her minor child.

### **Nonconsensual Interception of Communications**

Federal law authorizes private individuals to record wire, oral, or electronic communications if one of the parties consents.<sup>25</sup> Thirty-seven states plus the District of Columbia have laws

<sup>21</sup> United States Department of Education, *Office of Special Education and Rehabilitative Services* (2003), available at <https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/letters/2003-2/redact060403iep2q2003.pdf>.

<sup>22</sup> Section 1002.22, F.S.; 20 U.S.C. s. 1232(g).

<sup>23</sup> 20 U.S.C. s. 1232(g). U.S. Department of Education, Family Educational Rights and Privacy Act (FERPA), <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html#:~:text=The%20Family%20Educational%20Rights%20and%20Privacy%20Act%20%28FERPA%29,applicable%20program%20of%20the%20U.S.%20Department%20of%20Education>. (last visited Jan. 12, 2022).

<sup>24</sup> Section 1014.04(1), F.S.

<sup>25</sup> 18 U.S.C. s. 2511; Rauvin Johl, *Reassessing Wiretap and Eavesdropping Statutes: Making One-Party Consent the Default*, 12 Harv. L. & Pol’y Rev. 177, 179 (2018).

following the federal one-party consent regime.<sup>26</sup> Thirteen states, including Florida, require the consent of all recorded parties.<sup>27</sup>

Chapter 934, F.S., governs the security of various types of communications in the state, limits the ability to intercept, monitor, and record such communications, and provides criminal penalties<sup>28</sup> and civil remedies.<sup>29</sup> Section 934.03, F.S., makes it a third degree felony<sup>30</sup> to intentionally “intercept” an “oral communication.”<sup>31</sup> For example, the law prohibits an individual from using an electronic scanning device to monitor private telephone calls.<sup>32</sup>

### III. Effect of Proposed Changes:

SB 1294 modifies sections 1002.20 and 1014.04, F.S., to authorize a parent of a public school student, notwithstanding section 934.03, F.S., which regulates the interception and disclosure of wire, oral and electronic communications, and in accordance with the federal Family Educational rights and Privacy Act of 1974, to audio or video record any meeting with his or her child’s Individual Education Plan (IEP) team, provided that the parent notifies the school district in writing of his or her intent to record the meeting at least 24 hours in advance of the meeting.

Under the bill school districts would not be allowed to determine the circumstances by which a meeting may or may not be recorded, or allow only certain types of recording. Also, authorizing such a recording may enhance transparency and provide additional clarity at IEP team meetings for parents.

The bill takes effect on July 1, 2022.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

<sup>26</sup> United States Recording Law, One-Party Consent States – Updated 2022, <https://recordinglaw.com/united-states-recording-laws/one-party-consent-states/> (last visited Jan. 11, 2022).

<sup>27</sup> United States Recording Law, All Party (Two Party) Consent States, <https://recordinglaw.com/party-two-party-consent-states/> (last visited Jan. 11, 2022).

<sup>28</sup> Sections 934.04, 934.21, 934.215, 934.31, and 934.43, F.S.

<sup>29</sup> Section 934.05, F.S.

<sup>30</sup> A third degree felony is punishable by up to 5 years in state prison and a fine of up to \$5,000. Sections 775.082 and 775.083, F.S.

<sup>31</sup> Section 934.02(3), F.S., defines “intercept” as the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device. Section 934.02(2), F.S., defines “oral communication” as any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation and does not mean any public oral communication uttered at a public meeting or any electronic communication.

<sup>32</sup> *State v. Mozo*, 655 So. 2d 1115, 1116 (Fla. 1995).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A parent of a public school student who chooses to audio or video record a meeting with his or her child's Individual Education Plan team may incur technology costs associated with such a recording.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 1002.20 and 1014.04 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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S01294

GENERAL BILL by Gruters;

Individual Education Plan Meetings. EFFECTIVE DATE: 07/01/2022.

01/05/22 S Referred to Education; Governmental Oversight and Accountability; Rules -SJ 87

01/11/22 S Introduced -SJ 87

01/13/22 S On Committee agenda-- Education, 01/18/22, 11:00 am, 412 Knott Building

By Senator Gruters

23-00933-22

20221294\_\_

1 A bill to be entitled  
 2 An act relating to individual education plan meetings;  
 3 amending s. 1002.20, F.S.; authorizing a parent of a  
 4 public school student to audio or video record any  
 5 meeting with his or her child's individual education  
 6 plan (IEP) team; requiring the parent to notify the  
 7 school district in writing a specified time in advance  
 8 of his or her intent to record the meeting; amending  
 9 s. 1014.04, F.S.; providing that parents have the  
 10 right to audio or video record meetings with their  
 11 child's IEP team; providing an effective date.

13 Be It Enacted by the Legislature of the State of Florida:

15 Section 1. Paragraph (c) is added to subsection (21) of  
 16 section 1002.20, Florida Statutes, to read:

17 1002.20 K-12 student and parent rights.—Parents of public  
 18 school students must receive accurate and timely information  
 19 regarding their child's academic progress and must be informed  
 20 of ways they can help their child to succeed in school. K-12  
 21 students and their parents are afforded numerous statutory  
 22 rights including, but not limited to, the following:

23 (21) PARENTAL INPUT AND MEETINGS.—

24 (c) IEP meetings.—Notwithstanding s. 934.03 and subject to  
 25 the protections provided in the Family Educational Rights and  
 26 Privacy Act of 1974, 20 U.S.C. s. 1232g, and ss. 1002.22 and  
 27 1002.225, a parent of a public school student may audio or video  
 28 record any meeting with his or her child's IEP team, provided  
 29 that the parent notifies the school district in writing of his

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23-00933-22

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30 or her intent to record the meeting at least 24 hours in advance  
 31 of the meeting.

32 Section 2. Paragraph (k) is added to subsection (1) of  
 33 section 1014.04, Florida Statutes, to read:

34 1014.04 Parental rights.—

35 (1) All parental rights are reserved to the parent of a  
 36 minor child in this state without obstruction or interference  
 37 from the state, any of its political subdivisions, any other  
 38 governmental entity, or any other institution, including, but  
 39 not limited to, all of the following rights of a parent of a  
 40 minor child in this state:

41 (k) The right, pursuant to s. 1002.20(21)(c), to audio or  
 42 video record meetings with his or her child's individual  
 43 education plan (IEP) team.

44 Section 3. This act shall take effect July 1, 2022.

Page 2 of 2

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