

**MINUTES
STATE BOARD OF EDUCATION
MEETING**

October 19, 2022
Caribe Royale
8101 World Center Drive
Grand Sierra Ballroom E
Orlando, FL 32821

Chair Tom Grady called the meeting to order at 9 a.m., the following members were present: Vice Chair Ben Gibson, Joe York, Ryan Petty, Monesia Brown, and Esther Byrd with member Grazie Christie via conference phone. Chair Grady then asked everyone to stand for the Pledge of Allegiance.

Commissioners Report

Chair Grady recognized Manny Diaz Jr., Commissioner, Department of Education to present the commissioners report to the board. Commissioner Diaz thanked the board and noted that the Heritage Foundation ranked Florida as number one in Educational Freedom. Commissioner Diaz then briefed the board on the department's response to Hurricane Ian. Reporting that some of the hardest hit counties received Starlink Internet services for their schools to help with reopening, maintenance and facility workers from across the states' school districts, and flexibility from the department for districts and charter schools in reporting student enrollment. Continuing, Commissioner Diaz thanked the Florida Education Foundation (FEF) for their work in relief assistance. Stating that the FEF Board has an upcoming meeting to approve grants for use by students or teachers that have been affected by Hurricane Ian.

Commissioner Diaz recognized Jacob Oliva, Senior Chancellor, Division of Public Schools for a follow-up report on school district policies that were in possible violation of state law and not focused on student learning. Senior Chancellor Oliva stated that the department surveyed all school about whether or not their district has any policies, procedures or documents regarding specific guidance for supporting students and families, and/or documents provided to faculty and staff members on how to support students. Finding 11 school districts that needed to update their guidance due to not following current Florida law and five operating polices there were out-of-date with recent changes signed into law. Chair Grady opened the board for questions. Vice Chair Gibson asked for clarification on the three school districts that have policies in place that direct them to not comply with state law. Mr. Petty followed asking what the timeline is for the 11 school districts to come into compliance with state law; and the three districts that specifically state not to comply, are they willing to change to come into compliance.

Commissioner Diaz recognized Senior Chancellor Oliva for an update on the Statewide Grand Jury Report. Senior Chancellor Oliva stated that on August 29th the Office of Safe Schools sent letters to each of the school district superintendents from the report that had troubling practices and initiated in-person site visits. Senior Chancellor Oliva started with Orange County stating that the site visit found the district failed to submit timely and accurate school safety and discipline data to the department as required by Florida law. With preliminary data showing over 100 discipline actions indicated the use of a weapon, but no matching SESIR data records were found. Orange County then recognized they were not accurately reporting certain offenses resulting from staff interpretation of how to report the possession of weapons, and other dangerous objects on campus. Orange County advised they would hire additional staff to ensure more accountability around SESIR data and review their internal process.

Senior Chancellor Oliva then moved to Palm Beach stating that the site visit indicated the district failed to submit timely and accurate school safety and discipline data to the department as required by Florida law. Finding that for the 2021-2022 school year only one unsubstantiated harassment and zero unsubstantiated bullying incidences were reported to the Office of Safe Schools. In response to a follow-up letter that was sent from the Office of Safe Schools, Palm Beach reviewed their internal processes and discovered that schools were not transferring unsubstantiated incidents from their internal investigative reports to the student information system. Finding more than 203 unsubstantiated bullying incidents, and 64 unsubstantiated harassment incidents that will be included in survey five. Senior Chancellor Oliva added that Palm Beach is going to work with the sheriff's office to implement and expand the Guardian Program.

Continuing, Senior Chancellor Oliva briefed the board on Duval County Public Schools. Stating that the Office of Safe Schools found severe underreporting of gang activity in the 2018-2019 school year by Duval County Public Schools. With the 2021-2022 school year showing that Duval Schools are now reporting fewer incidents of gang activity. In response to the report, Duval County said it is working with the sheriff's office, state attorney, and school police to ensure reporting in this area is timely and accurate. Additionally, Duval is hiring additional staff for internal control over SESIR data quality and professional training. Chair Grady opened the board for questions. Mr. Petty commented on the length of time it took to get the districts into compliance with Florida law. Chair Grady called for a motion to approve the Commissioners Report. Vice Chair Gibson made the motion with a second by Mr. Petty. The motion passed unanimously.

Minutes

Minutes from July 13, August 17 and September 15 meetings

Chair Grady called for a motion to approve the minutes from the July 13, August 17 and September 15 meetings. Ms. Byrd made the motion with a second by Mr. Petty. The motion passed unanimously.

UPDATE

K-12 Public Schools – Superintendent Heid and Superintendent Husfelt on behalf of the Florida Association of District School Superintendents (FADSS)

Chair Grady recognized Fred Heid, Superintendent, Polk County and William Husfelt, Superintendent, Bay County for an update on behalf of FADSS. Superintendent Heid thanked the board and provided a brief update on hurricane response. Superintendent Heid started by thanking the department and Chancellor Oliva for their daily contact and support. Adding that in Polk County, schools had to close early due to being a local special needs shelter and having to document pre-storm facility conditions in order to receive FEMA assistance. Continuing, Superintendent Heid suggested that a committee of superintendents and power companies be formed to help districts deal with power issues for schools and reconnection of fiber optic lines. Superintendent Heid added that Polk County sent a team of 50 volunteers to assist in neighboring Lee County.

Superintendent Husfelt thanked the board and shared his concern for mental health issues following disasters. Stating the importance of having mental health counselors and behavior specialists on hand to help students begin their recovery process. Superintendent Husfelt then briefed the board on stabilizing

the funding for FTE. Adding that after storms students, families and staff can be encouraged to move away in order to find housing and that can take away from the funding a school may get; further complicating reopening.

ACTION ITEMS

Approval of New Rule 6A-10.086, School Board and Charter School Governing Board Policies or Procedures for Parental Notification Regarding Designation of Bathrooms, Locker Rooms, and Dressing Rooms

Chair Grady recognized Senior Chancellor Oliva for an overview of new rule 6A-10.086, School Board and Charter School Governing Board Policies or Procedures for Parental Notification Regarding Designation of Bathrooms, Locker Rooms, and Dressing Rooms. Senior Chancellor Oliva thanked the board and stated that this rule helps parents make informed decisions about what is in the best interest of their child, and provides guidance to school districts and Charter Schools regarding bathroom and locker room policy. Adding that the rule requires parent notification if a school district or charter school allows for separation of bathroom, locker room, or dressing room by anything other than biological sex at birth. With the rule implementing policies and procedures that require a school or district to inform the child's parent by posting the information on the schools webpage and/or mailing a student's home residence, informing the parent of the method of supervision, how the supervision ensures the safety and privacy of students, and which rooms are and are not separated by biological sex at birth. Chair Grady opened the board for questions. Vice Chair Gibson asked how the rule aligns with the Parents Bill of Rights. Chair Grady opened the board for public comment. Receiving more than 40 comments with roughly half for the rule and half in opposition. Chair Grady called for a motion to approve new rule 6A-10.086, School Board and Charter School Governing Board Policies or Procedures for Parental Notification Regarding Designation of Bathrooms, Locker Rooms, and Dressing Rooms. Mr. Petty made the motion with a second by Ms. Byrd. The motion passed unanimously.

Approval of Amendment to Rule 6A-1.0955, Education Records

Chair Grady recognized Senior Chancellor Oliva for a brief update on Rule 6A-1.0955, Education Records. Senior Chancellor Oliva thanked the board and stated that the goal of this rule is to protect student information. Adding that this rule is going to add specific definitions that make it clear what is considered part of a student's educational record and who is responsible for student personal identifiable information. Chair Grady called for a motion to approve the amendment to rule 6A-1.0955, Education Records. Ms. Brown made the motion with a second by Vice Chair Gibson. The motion passed unanimously.

Approval of Amendment to Rule 6A-5.065, The Florida Educator Accomplished Practices, Approval of Amendment to Rule 6A-5.069, School District Professional Learning Systems, Approval of Amendment to Rule 6A-10.081, Principles of Professional Conduct for the Education Profession in Florida, and Approval of Amendment to Rule 6A-7.0710, Instructional Materials Evaluation Procedures

Chair Grady recognized Dr. Paul O. Burns, Deputy Chancellor, Educator Quality to provide the board an overview of the amendment to rules 6A-5.065; 6A-5.069; 6A-10.081; and 6A-7.0710. Dr. Burns thanked the board and stated that the amendments would align each rule to the statutory requirements set forth in House Bill 7 and House Bill 1557, from the 2022 Legislative session. Including prohibiting educators from providing classroom instruction to students in grades kindergarten through third on

sexual identity and expanding the definition of discrimination to include subjecting students to training or instruction that espouses, promotes, advances, or inculcates any of the concepts listed in section 1000.05(4)(a), F.S. Dr. Burns added that Florida Educator Accomplished Practices sets the standards and expectation for educators, forming the basis for the instructional personnel evaluation system which includes professional learning, educator preparation programs, and certification requirements for all of educators. Continuing Dr. Burns stated that the rule 6A-10.081, Principles of Professional Conduct for the Education Profession in Florida, exists to provide the ethical guidelines for Florida administrators and teachers, and provide the guidelines that professionals are held accountable to. Last, Dr. Burns briefed the board on 6A-5.069 stating that this amendment would update the professional learning template to align with House Bill 7; and rule 6A-7.0710 would require publishers and instructional material reviewers to attest they are not violating the principals of individual freedom.

Chair Grady called for a motion to approve the amendment to rule 6A-5.065, The Florida Educator Accomplished Practices. Vice Chair Gibson made the motion with a second by Ms. Byrd. The motion passed unanimously.

Chair Grady called for a motion to approve the amendment to rule 6A-5.069, School District Professional Learning Systems. Ms. Byrd made the motion with a second by Vice Chair Gibson. The motion passed unanimously.

Chair Grady opened the board for public comments. Receiving more than 45 comments, with roughly half for the rule and half in opposition. Chair Grady called for a motion to approve the amendment to rule 6A-10.081, Principles of Professional Conduct for the Education Profession in Florida. Vice Chair Gibson made the motion with a second by Mr. Petty. The motion passed unanimously.

Chair Grady opened the board for two public comments. Chair Grady called for a motion to approve the amendment to rule 6A-7.0710, Instructional Materials Evaluation Procedures. Ms. Brown made the motion with a second by Ms. Byrd. The motion passed unanimously.

Approval of Amendment to Rule 6A-5.080, The Florida Educational Leadership Standards

Chair Grady called for a motion to approve the amendment to rule 6A-5.080, The Florida Educational Leadership Standards. Vice Chair Gibson made the motion with a second by Ms. Byrd. The motion passed unanimously.

Approval of New Rule 6A-7.0713, Elementary School Website Listing of Library Materials and Reading Lists

Chair Grady recognized Senior Chancellor Oliva to brief the board on new rule 6A-7.0713, Elementary School Website Listing of Library Materials and Reading Lists. Senior Chancellor Oliva thanked the board and stated that this new rule provides guidelines to ensure parents have a right to know what materials are available, and be fully informed on reading and other materials available to their children in library media centers and classrooms. Adding that the rule also identifies school grade reading lists, definitions for the terms that are incorporated, and it makes it so that the information has to be posted on the school district's website in a searchable format. Chair Grady opened the board for questions. Vice Chair Gibson asked if there is a time limit for when the schools districts have to post materials online. Mr. Petty asked if this rule also included classroom libraries. Dr. Christie asked if this rule will make teachers lives more difficult. Chair Grady opened the board for public comment having received more than 22;

with roughly half for the rule and half in opposition. Chair Grady asked if the new rule would limit books available in classrooms or does it identify books that are available. Dr. Christie asked if the book *To Kill a Mockingbird* was on the banned book list. Chair Grady called for a motion to approve the new rule 6A-7.0713, Elementary School Website Listing of Library Materials and Reading Lists. Ms. Brown made the motion with a second by Ms. Byrd. The motion passed unanimously.

Approval of New Rule 6A-6.0791, Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools

Chair Grady recognized Adam Emerson, Executive Director, Office of Independent Education and Parental Choice for an overview of new rule 6A-6.0791, Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools. Mr. Emerson thanked the board and explained that this rule implements a key parents' right from House Bill 1557, by providing additional assistance to parents that are in dispute with a charter school or school district that is not being timely addressed. Mr. Emerson stated that previously, parents who believed the school to be in violation of the law could not seek administrative remedies beyond petitioning their principal, charter school or governing board. Adding that this rule would address such limitation and allow parents to pursue a resolution from a special magistrate if certain criteria are met, such as; if a parental dispute is not settled by a charter school principal within seven days, or after that by a school district within 30 days, parents can submit a form to the Florida Department of Education requesting the appointment of a special magistrate. Chair Grady called for a motion to approve new rule 6A-6.0791, Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools. Vice Chair Gibson made the motion with a second by Ms. Byrd. The motion passed unanimously.

Approval of Amendment to Rule 6A-1.0018, School Safety Requirements and Monitoring

Chair Grady recognized Senior Chancellor Oliva to provide the board a brief update on the amendment to rule 6A-1.0018, School Safety Requirements and Monitoring. Senior Chancellor Oliva thanked the board and stated that updates made to this rule are in regards to House Bill 899 which required each school district to identify a mental health coordinator as well as school safety specialist. Additionally, the amendment puts in place a requirement for school districts and charter schools to annually submit their policies pertaining to health, safety, and welfare. It also requires that each district school safety specialists ensure that all personnel within their district receive youth mental health and awareness assistance training. Chair Grady opened the board for questions. Vice Chair Gibson asked if some of the policies they receive pertain to issues outside the Office of Safe Schools. Mr. Petty commented on the amount of work that has gone into this rule over the years and thanked the department. Chair Grady called for a motion to approve the amendment to rule 6A-1.0018, School Safety Requirements and Monitoring. Mr. Petty made the motion with a second by Vice Chair Gibson. The motion passed unanimously.

Approval of New Rule 6A-1.094120, Youth Mental Health Awareness Training and Reporting

Chair Grady recognized Senior Chancellor Oliva to provide an overview of new rule 6A-1.094120, Youth Mental Health Awareness Training and Reporting. Senior Chancellor Oliva thanked the board and stated that, consistent with statutes, the Department identified a nationally-recognized youth mental health training program to help school personnel identify the signs of distress in students. Adding that this training has been identified to not only train people that work in schools how to recognize signs and symptoms, but also provides them tools needed to go to the next step or figure out how to help

students get access to the supports that they may or may not need. With House Bill 1421 requiring that school district annually certify that 80 percent of their school personnel have received this training. Continuing, Senior Chancellor Oliva added that this rule will include a list of job codes that identify staff that would need this training. Chair Grady called for a motion to approve the new rule 6A-1.094120, Youth Mental Health Awareness Training and Reporting. Ms. Byrd made the motion with a second by Mr. Petty. The motion passed unanimously.

CONSENT ITEMS

Chair Grady called for a motion to approve the consent items. Mr. Petty made the motion with a second by Vice Chair Gibson. The motion passed unanimously.

MEMBER COMMENTS

Member comments were held till October 20, 2022.

ADJOURNMENT

Having no further business, Chair Grady adjourned the meeting of the State Board of Education at 1:17 P.M. EST.

Chris Emerson, Corporate Secretary

Tom Grady, Chair