

SNIFFEN & SPELLMAN, P.A.

EDUCATION LAW ALERT February 2018

Florida House and Senate to Quickly Take Up School Safety Measures

Both the House and Senate are expected to quickly pass comprehensive legislation including school safety measures in the wake of the Stoneman school shooting on February 14. Both bills contain some form of a Florida Sheriff's Marshal Program, allowing teachers who complete 132 hours of training, background checks, and psychological testing to carry firearms at school. Under the Senate bill, school superintendents would have the option of participating in the program. Under the House bill, both the Superintendent and the Sheriff would make such determination. Governor Scott has indicated his opposition to arming teachers but has not indicated if he would veto any bill containing such a provision.

Funding for additional school resources officers, mental health school programs, and school hardening measures are included in both the House and Senate bills. The funding and allocations are expected to be determined as the Legislature completes its budget negotiations prior to an anticipated adjournment next Friday. The total funding package is expected to be in the \$400 to \$500 million range.

Read more [here](#).

Senate Appropriations Committee Approves Education Bill

The Senate Appropriations Committee approved an education bill that would let bullied students transfer to private schools and could force teachers' unions to disband if they don't meet new membership standards.

The proposals are contained in House bill (HB 7055). The "Hope Scholarship" program would let bullied public-school students transfer to private schools or other public-schools, and would be funded by Florida motorists voluntarily contributing money to the program when they buy or register vehicles. The donations would act as a credit against the sales taxes motorists normally pay in vehicle transactions.

The most contentious portion of the bill is an amendment, sponsored by Sen. Dennis Baxley, R-Ocala that would result in teachers' unions losing state certification if their membership falls below 50 percent of the employees they represent in the collective bargaining process.

A similar provision had been stripped out of the bill last week in the Senate Education Committee, however the amendment was approved in the Appropriations Committee in a largely party-line vote.

The next stop for the bill is the Senate floor.

Read more [here](#).

Proposed Federal Legislation Would Require College Leaders to Personally Review Sexual Misconduct Claims

Bipartisan legislation in the United States Senate would require college leaders, and at least one member of the institution's governing board, to personally review all sexual misconduct claims involving university employees within a calendar year.

Colleges and universities would be required to submit annual certification affirming the reviews had taken place and top college officials had not improperly influenced any ongoing investigations.

Supporters said the legislation, titled the ALERT Act, was a response to the uncovering of abuses by Larry Nassar and Jerry Sandusky.

Read more [here](#).

Gender Identity Conforming Bathrooms and Title IX Don't Overlap per Department of Education

The Department of Education will not take action on civil rights complaints filed by transgender students prohibited from using the bathroom matching their gender identity. The Department of Education has commented that its position that gender identity is not covered by Title IX has been in place since Secretary Betsy DeVos withdrew Obama administration guidelines regarding transgender students. In support of withdrawal of the guidelines, DeVos opined that those issues were best handled at the state level and the guidelines had given rise to a number of legal disputes.

Read more [here](#).

Outline of State Budget Unveiled

The Florida Legislature agreed to the outline of the 2018-2019 state budget that will use approximately \$32 billion in state funds. The House-Senate budget conference will iron out the details on how to spend the funds. The largest pot is for PreK -12 education, at \$12.1 billion. Higher education will receive \$4.4 billion.

Read more [here](#).

From the Lighter Side: Don't Believe in Bigfoot, I'll see you in Court

A California woman and her two daughters claim to have run across Bigfoot in a Southern California tree last year. Naturally, such a sighting was reported to state authorities. The authorities allegedly had a unified front, telling her she did not see Bigfoot, but rather, a bear. Flabbergasted, the woman has filed a lawsuit against the state for endangering the public by not recognizing Bigfoot and not managing the species and protecting its habitat. The woman is not solely relying on the judicial system, but is also attempting to communicate with Bigfoot directly

by leaving out tasty snacks along with a voice activated book that includes recordings of words like “fur” and “candy” along with samples of each.

Read more [here](#).

Firm News

The Firm is proud to announce that it is once again sponsoring **Tallahassee’s Word of South Festival of Literature & Music**. This year’s festival will take place April 13-15 in Cascades Park.

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