

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/CS/HB 1537 Education

SPONSOR(S): Education & Employment Committee and Appropriations Committee and Education Quality Subcommittee, Rizo, Daniels and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1430

FINAL HOUSE FLOOR ACTION: 112 Y's

3 N's

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

CS/CS/CS/HB 1537 passed the House on April 26, 2023. The bill was amended in the Senate on May 2, 2023, and returned to the House. The House concurred with the Senate amendments and subsequently passed the bill as amended on May 3, 2023.

The bill improves the overall quality of Florida's teacher preparation programs by streamlining programs, program requirements, and expanding upon the uniform core curricula.

The bill requires a system-wide shift from professional development to professional learning by defining the requirements for professional learning and requiring the Department of Education (DOE) to create a high-quality programs web-based marketplace. The bill protects administrators' responsibility to visit and observe classroom teachers throughout the year.

The bill extends temporary teaching certificates from 3 years to 5 years and limits the certificate to a one-time, non-renewable issuance. The bill expands eligibility for temporary certification to candidates who are currently enrolled in state-approved teacher preparation programs and meet certain requirements.

The bill requires instruction on Asian American and Pacific Islander history; instruction on the history and significance of September 11, 2001, for middle and high school students; replaces one practical arts credit with one career and technical education credit; adds measures to the school grades formula; and expands postsecondary credit pathways. Each school district must annually review and confirm that all reproductive health and disease information, including instructional materials, parental exemption process and form, and associated links available on the district school board website are accurate and up-to-date. The bill creates the year-round school pilot program, established for a period of four years.

The bill authorizes school districts to select the Classic Learning Test (CLT) for an annual districtwide administration for certain students and allows students to earn a concordant score on the CLT to meet the initial eligibility requirements for the Bright Futures Scholarship Program (Bright Futures). The bill allows Bright Futures students to combine volunteer and paid work hours to meet initial eligibility requirements. The bill provides retroactive authority for students to include paid work completed on or after June 27, 2022 in the student's total of required paid work hours. Effective upon becoming law, for students graduating in the 2022-2023 year, and students who entered grade 9 in 2020-2021, the bill establishes concordant scores for eligibility to receive a high school diploma.

The bill authorizes additional enforcement mechanisms for the Commission for Independent Education (commission) at the DOE, and expands fair consumer practices and minimum standards for licensure of private postsecondary institutions under the jurisdiction of the commission.

The bill adds a rebuttable presumption within school district zero tolerance policies, and provides for privacy of student personal belongings during a search.

The bill authorizes a charter school governing board to adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the certification requirements under the law, and modifies charter capital outlay funding eligibility requirements.

The bill has a fiscal impact and includes appropriations to the DOE for the procurement of bleeding control kits and a statewide transparency tool. See Fiscal Comments.

The bill was approved by the Governor on May 9, 2023, ch. 2023-39, L.O.F., and became effective on that date, or will become effective on July 1, 2023, except as otherwise provided.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

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DATE: 5/24/2023

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Teacher Preparation Programs

Present Situation

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.¹ State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers by which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.²

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:³

- *Initial Teacher Preparation programs*: “traditional” teacher preparation programs require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas, mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.⁴
- *Educator Preparation Institutes*: alternative certification programs offered by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- *District Professional Development Certification and Education Competency Programs*: cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management organizations by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.⁵ In addition to completing the program, candidates must demonstrate mastery of general knowledge⁶ and subject area knowledge.⁷

Mastery of general knowledge for a professional teaching certificate may be demonstrated through several methods, including the passing of one of several different examinations identified by the State Board of Education (SBE),⁸ having a valid teaching certificate from another state,⁹ having a SBE

¹ Section 1004.04(1)(b), F.S.

² See Florida Department of Education, *Educator Preparation*, <https://www.fldoe.org/teaching/preparation/> (last visited Apr. 25, 2023). See also r. 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

³ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Apr. 25, 2023). See also r. 6A-5.066, F.A.C.

⁴ Rule 6A-5.066(1)(r), F.A.C.

⁵ Section 1012.56(8)(a), F.S.

⁶ See Florida Department of Education, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Apr. 25, 2023).

⁷ Florida Department of Education, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Apr. 25, 2023).

⁸ Section 1012.56(3)(e), F.S. Examinations for mastery of general knowledge include the Florida General Knowledge Test and identified test sections of the GRE, including GRE Analytical Writing, GRE Quantitative Reasoning, and GRE Verbal Reasoning. *Id.*

⁹ Section 1012.56(3)(b), F.S.

approved national educator credentialing,¹⁰ having a master's or higher degree,¹¹ or completion of two semesters of college teaching experience at a specified Florida institution.¹²

Mastery of subject area knowledge for a professional teaching certificate may be demonstrated through the passing of a subject matter examination under specific conditions, a valid teaching certificate from another state, a valid certificate from the National Board for Professional Teaching Standards, or a passing score or program completion of a specified defense language proficiency test or program.¹³

Teacher Preparation Program Uniform Core Curricula

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences. A candidate for certification in a coverage area that includes reading instruction or interventions in kindergarten through grade 6 must successfully complete all competencies for a reading endorsement.¹⁴

Uniform core curricula for each state-approved teacher preparation program is established by the SBE and must include, but is not limited to:¹⁵

- candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas;
- the use of state-adopted content standards to guide curricula and instruction;¹⁶
- scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies;¹⁷
- content literacy and mathematical practices;
- strategies appropriate for instruction of English language learners;
- strategies appropriate for instruction of students with disabilities;
- strategies to differentiate instruction based on student needs;
- strategies and practices to support evidence-based content aligned to state standards and grading practices;
- strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support; and
- strategies to support the use of technology in education and distance learning.

In addition, before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area(s) of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area(s) of program concentration.¹⁸

¹⁰ Section 1012.56(3)(c), F.S.

¹¹ Section 1012.56(3)(f), F.S. Degree must be from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a bachelor's degree or higher. *Id.*

¹² Section 1012.56(3)(d), F.S.

¹³ Section 1012.56(5), F.S.

¹⁴ Section 1004.04(2)(c), F.S.

¹⁵ Section 1004.04(2)(b)1.-10., F.S.

¹⁶ The SBE has adopted the state academic standards, which establish the core content of the curricula taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Rule 6A-1.09401(1), F.A.C.; s. 1003.41(1), F.S.

¹⁷ The Just Read, Florida! Office must assist teacher preparation programs and educator preparation institutes with this requirement. Section 1001.215(11), F.S.

¹⁸ Section 1004.04(2)(d), F.S.

Postsecondary institutions that are accredited or approved by the Department of Education (DOE) to award degrees and credits for educator certification may seek approval from the DOE to create educator preparation institutes (EPI) for the purpose of providing all or any of the following:¹⁹

- professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;
- instruction to assist potential and existing substitute teachers in performing their duties;
- instruction to assist paraprofessionals in meeting education and training requirements;
- competency-based program instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase pathways to the classroom for mid-career professionals; and
- instruction and professional development for part-time and full-time non-degreed teachers of career programs.

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other state recipients of the provider's services and data showing the successful performance of completers based upon student achievement.²⁰

Each EPI participant must:²¹

- meet certification application and eligibility requirements established in law;
- participate in coursework and field experiences that are appropriate to the participant's educational plan, including completion of all competencies for a reading endorsement when seeking certification in a certificate area that includes reading instruction or interventions in kindergarten through grade 6;
- before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting; and
- achieve a passing score on the professional education competency examination,²² the basic skills examination, and the subject area examination for the subject area certification which is required by SBE rule.

Continued EPI approval is determined by the Commissioner of Education. Continued approval is based upon a periodic review of candidate readiness determined by passage rates on educator certification examinations, evidence of performance of students in prekindergarten through grade 12 who are assigned to in-field program completers on statewide assessments, results of program completers' annual evaluations, and workforce contributions.²³

Each approved EPI must submit annual performance evaluations to the DOE that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and satisfaction surveys of employers and program completers. The satisfaction surveys must be designed to measure the sufficient preparation of the educator for the realities of the classroom and the institute's responsiveness to local school districts. These evaluations must be used by the DOE for purposes of continued approval of an EPI's certification program.²⁴

¹⁹ Section 1004.85(2)(a), F.S.

²⁰ Section 1004.85(2)(b), F.S.

²¹ Section 1004.85(3)(b), F.S.

²² An individual that completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate. Section 1012.575, F.S.

²³ Section 1004.85(4), F.S.

²⁴ Section 1004.85(5), F.S.

Professional Development Certification and Education Competency Programs

School districts, charter schools and charter management organizations may offer a professional development certification program that must be approved by the DOE. The program must include:²⁵

- a minimum period of initial preparation before becoming the teacher of record;
- an option to collaborate with other agencies or educational entities for implementation;
- a teacher mentorship and induction component;
- an assessment of teaching performance aligned with the district's personnel evaluation system;
- professional educational preparation content knowledge which must be included in the mentoring and induction activities;
- required passing scores on the general knowledge, subject area and the professional education competency test; and
- completion of all competencies for a reading endorsement for all candidates for certification in coverage areas that include reading instruction or interventions in kindergarten through grade 6.

As required by law, the DOE adopted, effective January 1, 2018, standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component.²⁶ The standards for the teacher mentorship and induction component must include:²⁷

- program administration and evaluation;
- mentor roles, selection, and training;
- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices (FEAP).

Each school district, charter school, or charter management organization, wishing to provide a professional preparation and competency program must submit its program, including the teacher mentorship and induction component, to the DOE for approval. Beginning January 1, 2019, a teacher may not satisfy requirements for a professional certificate through a professional preparation and education competency program unless the program has been approved by the DOE based on the new standards.²⁸ An applicant who completes a professional preparation and education competency program approved by the DOE based on the standards adopted on January 1, 2018, and is rated highly effective based on a performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.²⁹

Each district professional development system is required to provide inservice activities and support targeted to the individual needs of teachers participating in the professional preparation and education competency program.³⁰ Each school district's professional development system must provide for training to reading coaches, classroom teachers, and school administrators in:³¹

- effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills;
- incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and
- using predictive and other data to make instructional decisions based on individual student needs.

²⁵ Section 1012.56(8)(a)1.-7., F.S.

²⁶ See r. 6A-5.066, F.A.C.

²⁷ Section 1012.56(8)(c), F.S.

²⁸ *Id.*

²⁹ Section 1012.56(7)(a)3., F.S., see r. 6A-5.066, F.A.C.

³⁰ Section 1012.98(4)(b)4., F.S.

³¹ Section 1012.98(4)(b)11., F.S.

All elementary grades instructional personnel must be provided access to sufficient training so they can meet certification or endorsement requirements established by the SBE with respect to reading instruction and intervention.³²

The mentorship and induction component of a state-approved district, charter school or charter management organization's professional preparation and education competency program, at a minimum, provides weekly opportunities for mentoring and induction activities, including:³³

- common planning time;
- ongoing professional development targeted to a mentee teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and follow-up discussions.

The mentorship and induction activities must be provided during the teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. A principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component, so long as they are approved by the DOE.³⁴

Effect of the Bill

Florida's teacher preparation programs include the traditional pathway offered at postsecondary institutes, alternative pathway programs offered through state-approved educator preparation institutes, and professional development certification and education competency programs. The uniform core curricula for each state-approved teacher preparation program identifies core topics the programs must cover. To support effective, research-based assessment and grading practices aligned to the state's academic standards, the bill adds strategies and practices to the list of uniform core curricula topics that must be included in teacher preparation programs.

The bill eliminates redundancy in EPI instruction provided to candidates that are already embedded in the FEAP. The FEAP outlines the core standards for effective educators. The bill clarifies that EPI candidates must demonstrate competency and participate in field experiences that are appropriate to his or her individual educational plan.

The bill requires that all state approved educator preparation programs cover scientifically-based reading instruction, content literacy, and mathematical practices for each subject identified on the participant's statement of status of eligibility or temporary certificate.

The bill requires the SBE to adopt rules for the approval of EPIs.

The bill delineates, separates, and renames the two alternative certification pathways offered by school districts, charter schools, and charter management organizations: Professional Learning Certification Programs and Professional Education Competency Programs. Professional Learning Certification Programs must include a teacher mentorship and induction component to ensure candidates receive timely coaching and feedback to improve practice. The bill provides for mentor activities to be routine and requires all professional learning to be in alignment with the professional learning criteria. Professional Education Competency Programs are established in a new section of law to separate the two alternative certification pathways.

The bill provides the SBE with rulemaking authority to adopt criteria for the review and approval of Professional Learning Certification Programs.

³² *Id.*

³³ Section 1012.56(8)(a)3.b., F.S.

³⁴ *Id.*

Educator Certification

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.³⁵ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.³⁶ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”³⁷

While there are several certification pathways, any individual seeking certification must meet specific eligibility requirements:³⁸

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the United States and State Constitutions;
- earn a bachelor’s or higher degree from an accredited institution of higher learning,³⁹ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;⁴⁰
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.⁴¹

After meeting eligibility requirements, an individual may choose a certification route. The DOE issues three types of educator certificates:

- Professional Certificate: Florida’s highest type of full-time educator certification;⁴² valid for 5 years and renewable.⁴³
- Temporary Certificate: covers employment in full-time positions for which educator certification is required;⁴⁴ generally valid for 3 years and nonrenewable.⁴⁵

³⁵ Sections 1012.55(1) and 1002.33(12)(f), F.S.

³⁶ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

³⁷ Section 1012.54, F.S.; *see* r. 6A-4.001(1), F.A.C.

³⁸ Section 1012.56(2)(a)-(f), F.S.

³⁹ Section 1012.56(2)(c), F.S.; r. 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; United States Department of Education, *Accreditation in the United States*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional (last visited Apr. 24, 2023) (list of accrediting agencies approved by the United States Department of Education).

⁴⁰ Section 1012.56(2)(c), F.S.; r. 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

⁴¹ Section 1012.56(1), F.S.; *see* s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

⁴² Rule 6A-4.004(3), F.A.C.

⁴³ Section 1012.56(7)(a), F.S.; *see* r. 6A-4.0051(3)(d), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor’s degree in the area of speech-language impairment to complete a master’s degree in speech-language impairment. Section 1012.56(7)(c), F.S.; r. 6A-4.004(4), F.A.C.

⁴⁴ Rule 6A-4.004(1)(a)2., F.A.C.

⁴⁵ Section 1012.56(7)(e), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); r. 6A-4.004(1)(a), F.A.C. The veteran’s pathway to educator certification authorizes a 5 year nonrenewable temporary certificate. Section

- Athletic Coaching Certificate: covers full-time and part-time employment as a public school athletic coach;⁴⁶ includes two types of athletic coaching certificates – one is valid for 5 years and may be issued for subsequent 5-year periods, while the other is valid for 3 years and may be issued only once.⁴⁷

An applicant seeking a professional certification must:

- meet the basic eligibility requirements for certification;⁴⁸
- demonstrate mastery of general knowledge;⁴⁹
- demonstrate mastery of subject area knowledge;⁵⁰ and
- demonstrate mastery of professional preparation and education competence.⁵¹

A professional certificate is renewable for successive periods of 5 years,⁵² but may be extended by:

- 1 year due to serious illness or injury of the applicant or other extraordinary extenuating circumstances; or
- a period of time equal to the active duty status for any person who volunteers or is called into wartime or required peacetime military service.

An applicant seeking a temporary certification must:

- meet the basic eligibility requirements for certification;⁵³
- obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;⁵⁴ and
- do one of the following:
 - demonstrate mastery of subject area knowledge;⁵⁵ or
 - complete the required degree or content courses specified in SBE rule for subject area specialization⁵⁶ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.⁵⁷

To qualify for a temporary certificate, an applicant must meet subject area specialization requirements in at least one subject. Each subject area has specific degree or course requirements set in SBE rule,⁵⁸ and select subject areas including Reading, Speech-Language Impaired, School Counseling, School Psychology, and School Social Work require a master's or specialist degree.⁵⁹

1012.56(7)(e)2., F.S. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Section 1012.56(7)(c), F.S.

⁴⁶ Section 1012.55(2)(a), F.S.

⁴⁷ Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

⁴⁸ Section 1012.56(2)(a)-(f), F.S.

⁴⁹ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Apr. 24, 2023).

⁵⁰ Section 1012.56(2)(h) and (5), F.S.

⁵¹ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.stml> (last visited Apr. 24, 2023).

⁵² Sections 1012.56(7)(a) and 1012.585, F.S.; r. 6A-4.0051(1), F.A.C.

⁵³ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

⁵⁴ Section 1012.56(1)(b), F.S.; r. 6A-4.004(1)(a), F.A.C.

⁵⁵ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge* <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Apr. 24, 2023).

⁵⁶ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

⁵⁷ Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/> (last visited Apr. 24, 2023).

⁵⁸ Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C.

⁵⁹ Florida Department of Education, Educator Certification, *Certificate Subjects*, <https://www.fldoe.org/teaching/certification/certificate-subjects/#degreed> (last visited Apr. 24, 2023).

In 2022, the Legislature created an additional pathway to educator certification for military service members by authorizing the DOE to issue a temporary certificate, for a subject area specialization for which the SBE otherwise requires a bachelor's degree, to military service members meeting the following requirements:⁶⁰

- documents 48 months of active-duty military service with an honorable discharge or a medical separation;
- meets minimum eligibility criteria for educator certification with the exception of receipt of a bachelor's degree;
- completes the subject area content requirements specified in SBE rule or demonstrates mastery of subject area knowledge; and
- completes 60 college credits with a minimum grade point average of 2.5 on a 4.0 scale, as provided by an eligible institution of higher learning.

Veterans attaining a temporary certificate must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. The teacher mentor must hold a valid professional teaching certification, have at least 3 years of teaching experience, and have earned an effective or highly effective rating on the prior year's performance evaluation.⁶¹

Generally, a temporary certificate is valid for 3 years and is nonrenewable; however, a temporary certificate for military service members is valid for 5 years, limited to a one-time issuance, and is nonrenewable.⁶²

The DOE must electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.⁶³ In addition, the DOE must electronically notify a temporary certificate holder, at least 1 year in advance of the date that his or her certificate will expire. The notification must include the methods by which the certificate holder can complete the requirements for a professional certificate.⁶⁴

A temporary certificate may be extended by 2 years if the requirements for the professional certificate, other than the general knowledge requirement, have not been met due to serious illness or injury of the applicant, military service by the applicant's spouse, or other extraordinary extenuating circumstances; or, the certificate holder is rated highly effective in the immediate year's performance evaluation or has completed a 2-year mentorship program.⁶⁵

Renewal of Professional Certificates

A professional certificate must be renewed every 5 years.⁶⁶ An educator must submit an application,⁶⁷ pay a fee,⁶⁸ and earn at least six college credits or 120 inservice points, or a combination of both,

⁶⁰ Section 1012.56(7)(b)2., F.S.

⁶¹ Section 1012.56(7)(d)1.-3., F.S.

⁶² Section 1012.56(7)(e)2., F.S.

⁶³ Section 1012.56(1)(b), F.S.

⁶⁴ Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

⁶⁵ Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

⁶⁶ Section 1012.585(2)(a), F.S.

⁶⁷ Rule 6A-4.0051(3)(c), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District schoolboards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

⁶⁸ The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(c) and 6A-4.0012(1)(b)1., F.A.C.

during each 5-year validity cycle to renew his or her professional certification.⁶⁹ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁷⁰

Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.⁷¹

For professional certificates with specialization areas that include reading instruction or intervention for students in kindergarten through grade 6, and a beginning validity date on or after July 1, 2020, educators must complete two college credits or the equivalent amount of inservice points in specific reading instruction and intervention strategies for renewal of coverages specified in SBE rule.⁷² Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule.⁷³ Certification by the National Board for Professional Teaching Standards is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁷⁴

Adjunct Teaching Certificates

In addition to the certifications issued by the DOE, school districts are authorized to issue adjunct teaching certificates to instructional staff who have expertise in the subject area to be taught. To be eligible for an adjunct certificate, an applicant must meet all general requirements for educator certification and demonstrate expertise in the area to be taught by passing a subject-area test. A school district may issue an adjunct teaching certificate for a part-time or full-time teaching position.

An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁷⁵ An additional annual certification and an additional annual contract may be awarded at the discretion of the school district, but only if the applicant is rated effective or highly effective during each year of teaching under adjunct certification.⁷⁶ An adjunct teaching certificate issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable.⁷⁷ School districts are required to:⁷⁸

- post requirements on its website for the issuance of an adjunct teaching certificate, which must specify the subject area test through which an applicant demonstrates subject area mastery; and
- annually report to the DOE the number of adjunct teaching certificates issued for part-time and full-time teaching positions.

Effect of the Bill

The bill extends temporary teaching certificates from 3 years to 5 years, and provides that the certificate is limited to a one-time issuance and is non-renewable.

⁶⁹ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a)1., F.A.C.; *see r.* 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁷⁰ Section 1012.585(3)(a), F.S.

⁷¹ Section 1012.585(3)(e), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

⁷² Section 1012.585(3)(f), F.S.

⁷³ Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁷⁴ Section 1012.585(2)(b), F.S.; r. 6A-4.0051(1)(c), F.A.C.

⁷⁵ Section 1012.57(4), F.S.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Section 1012.57(6)(a)-(b), F.S.

The bill expands eligibility for temporary teaching certification to candidates who are currently enrolled in a state-approved teacher preparation program, are actively completing the required program field experience or internship at a public school, complete the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge, and can provide documentation of completion of 60 college credits with a minimum cumulative grade point average of 2.5 on a 4.0 scale, as provided by one or more accredited institutions of higher learning identified by the DOE.

A candidate with a beginning validity date of July 1, 2025 or later, seeking to renew a professional certificate in educational leadership must complete a minimum of 1 college credit or 20 inservice points in Florida's educational leadership standards. This provision does not add toward the total 120 required continuing education or inservice training hours currently required by the DOE.

Similar to district school boards, the bill authorizes a charter school governing board to adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the certification requirements under the law. A charter school governing board must comply with the same requirements as a district school board as it relates to certificate issuance, validity period, posting requirements, and annual reporting.

Professional Development

Present Situation

Professional Development Systems

Current law requires school districts to develop a professional development system in consultation with classroom teachers, state colleges and universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁷⁹ Among other things, the professional development system must:⁸⁰

- support and increase the success of educators through collaboratively developed school improvement plans;
- assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels, and that prepare students for success at subsequent educational levels and the workforce;
- provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance; and
- provide training to teacher mentors as part of professional development certification and education competency programs.

Each school district professional development system must:⁸¹

- Be reviewed and approved by the DOE.
- Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students.
- Provide inservice activities coupled with appropriate follow up support to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel must focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.

⁷⁹ Section 1012.98(4)(b), F.S.

⁸⁰ See s. 1012.98(4)(b)1.-11., F.S.

⁸¹ Section 1012.98(4)(b), F.S.

- Provide inservice activities and support targeted to the individual needs of teachers.
- Include a master inservice plan, or professional learning catalog, that identifies the educational training programs that may generate inservice points toward recertification or add-on certification.⁸² Each district catalog must be updated annually by September 1, be based on input from teachers and district and school instructional leaders, and use the latest available student achievement data and research to enhance rigor and relevance in the classroom.⁸³
- Include inservice activities for school administrative personnel.
- Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.
- Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.
- Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and expand effective ones.
- For middle grades, emphasize interdisciplinary planning, collaboration, instruction, and alignment of curriculum and instructional materials to the state academic standards.
- Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporate instructional techniques into the general education setting which are proven to improve reading performance for all students; and use predictive and other data to make instructional decisions based on individual student needs.

In addition to improving school district professional development systems,⁸⁴ the DOE is required to disseminate research-based professional development methods and programs that have demonstrated success in meeting identified student needs, to include a database of exemplary professional development activities, and a listing of available professional development resources, training programs, and available assistance.⁸⁵

William Cecil Golden Professional Development Program

The William Cecil Golden Professional Development Program for School Leaders is a collaborative network of state and national professional leadership organizations for school principals. The program is designed to respond to Florida's needs for quality school leadership, support the efforts of school leaders in improving instruction and student achievement, and developing and retaining quality teachers. Professional development provided through the program must be based upon the Florida Principal Leadership Standards and other school leadership standards.⁸⁶

Effect of the Bill

Traditional professional development is differentiated from professional learning, which is intended to result in system-wide changes in student outcomes. Professional development is usually associated with one-time workshops, seminars, or lectures that are one-size-fits-all. Professional learning is typically interactive, ongoing, and tailored to the needs of educators. This approach encourages educators to take ownership of learning and apply what they have learned in different contexts. The bill defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

⁸² Section 1012.98(4)(b)5., F.S.; Florida Department of Education, *Professional Learning Catalogs*, <http://www.fldoe.org/teaching/professional-dev/master-inservice-plans-mip.stml> (last visited Apr. 24, 2023).

⁸³ Section 1012.98(4)(b)5., F.S.

⁸⁴ Section 1012.98(4)(b)1., F.S.

⁸⁵ Section 1012.98(4)(a)1., F.S.

⁸⁶ Section 1012.986(1)-(2), F.S.

The bill requires the Division of Law Revision to prepare a reviser's bill to replace references to the term "professional development" with the term "professional learning" throughout the Early Learning - 20 Education Code, to ensure an educational system-wide shift from professional development to professional learning.

To increase the quality of educator professional learning activities offered by school districts, charter schools, charter management organizations, and consortiums of private schools to instructional and administrative staff, the bill specifies criteria to which all professional learning inservice activities must align. Routine meetings for the purposes of information dissemination that do not align to the established criteria are not eligible for inservice points.

The bill requires explicit training for school administrators to address the updated skills required for instructional leadership and effective school management. The bill provides that school administrators' visits to classrooms to provide mentorship, training, instructional feedback, or professional learning are not part of a teacher's formal performance evaluation. To align with this change, the William Cecil Golden Professional Development Program for School Leaders is amended to include instructional coaching as a component to support the professional growth of instructional personnel.

The bill amends the William Cecil Golden Professional Development Program for School Leaders to include instructional coaching as a component to support the professional growth of instructional personnel.

The bill requires the DOE to create a high-quality professional learning marketplace list on a centralized webpage to aid in the identification of high-quality programs and resources that meet the professional learning criteria and have demonstrated success in meeting student achievement needs.

Additionally, DOE must establish a calendar to review and approve all professional learning systems every 5 years, by March 1, 2024. Any substantial changes to the system made within the 5-year timeframe must be re-submitted to the DOE for review and approval.

The bill authorizes school districts, charter management organizations, and private school consortiums to hire outside professional learning providers to provide inservice training to staff. Contracted external professional learning providers must have three or more years of experience providing professional learning with demonstrable success in instructional or school administrator growth. The school district, charter management organization, or private school consortium must certify that the provider's inservice activities meet the specified professional learning criteria.

To align with SBE rule, the bill renames the "master inservice plan", which lists all inservice activities from all funding sources, as the "professional learning catalog".

Requirements for a High School Diploma

Present Situation

Middle School Promotion Requirements

Promotion to high school requires students to successfully complete the following courses:⁸⁷

- Three middle grades or higher courses in English Language Arts (ELA).
- Three middle grades or higher courses in mathematics.
- Three middle grades or higher courses in social studies.
- Three middle grades or higher courses in science.
- One middle grades course in career and education planning.

⁸⁷ Section 1003.4156, F.S.

Of the required social studies courses, one course must be at least a one-semester civics education course.⁸⁸ The primary content for the course pertains to the principles, functions, and organization of government; the origins of the American political system; the roles, rights, responsibilities of United States citizens; and methods of active participation in our political system. Each student’s performance on the statewide, standardized EOC assessment in civics constitutes 30 percent of the student’s final grade.⁸⁹

High School Diploma

In order to be eligible for high school graduation, students must pass the statewide, standardized grade 10 ELA assessment or earn a concordant score on the SAT or ACT⁹⁰ and pass the Algebra I EOC assessment or, beginning with students entering grade 9 in the 2018-19 school year, earn a comparative score on the Math section of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), the SAT, the ACT or the Geometry EOC assessment.⁹¹ Beginning with the 2022-23 school year, an ESOL student enrolled in an ESOL program for less than 2 years who has met all requirements for graduation except passage of the must-pass assessments, can meet the requirements to pass the statewide, standardized grade 10 ELA assessment by satisfactorily demonstrating grade-level expectations on formative assessments, in accordance with SBE rule.⁹² Concordant scores⁹³ are identified in the table below.

	2018-22⁹⁴	Spring 2023 and Beyond
Grade 10 ELA Assessment	SAT EBRW: ⁹⁵ ≥ 430 SAT Reading Subtest: ≥ 24 ACT Reading: ≥ 19	SAT EBRW: ≥ 430 SAT Reading Subtest: ≥ 24 ACT Reading: ≥ 19
Algebra 1 EOC	PERT: ≥ 97 PSAT/NMSQT: ⁹⁶ ≥ 430 SAT Mathematics: ≥ 420 ACT Mathematics: ≥ 16 Geometry EOC ≥ 3	PERT: ≥ 114 PSAT/NMSQT: ⁹⁷ ≥ 430 SAT Mathematics: ≥ 420 ACT Mathematics: ≥ 16 Geometry EOC ≥ 3

⁸⁸ The SBE adopted updated civics education standards in July 2021, based on a DOE review of the middle grades civics course. *See s.* 1003.4156(1)(c), F.S.; r. 6A-1.09401, F.A.C.

⁸⁹ Middle grade students who transfer into the state’s public school system from out of country, out of state, a private school, or a home education program after the beginning of the second term of grade 8 are not required to meet the civics education requirement for promotion from the middle grades if the student previously passed three courses in social studies or two year-long courses in social studies that include coverage of civics education. Section 1003.4156(1)(c), F.S.

⁹⁰ Section 1003.4282(3)(a), F.S.; r. 6A-1.09422(8)(a)2., F.A.C.

⁹¹ Section 1003.4282(3)(b), F.S.; r. 6A-1.09422(8)(b)2., F.A.C., (amended on August 18, 2020, to include a comparative score on the Geometry EOC assessment). Since the 2011-2012 school year, a student may also satisfy the Algebra I EOC by earning a comparative score on the Postsecondary Education Readiness Test (PERT). Rule 6A-1.09422(8)(b)1., F.A.C.

⁹² Section 1003.433(3)(b), F.S.; r. 6A-1.09422(12), F.A.C.

⁹³ Florida Department of Education, *Rule 6A-1.09422: Concordant and Comparative Scores* (Jun. 13, 2018), at 3, available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/rule6a109422ann-faq.pdf>.

⁹⁴ Florida Department of Education, *Rule 6A-1.09422, F.A.C., Statewide, Standardized Assessment Program Requirements* (Feb. 9, 2022) at 4-5, available at <https://www.fldoe.org/core/fileparse.php/20042/urlt/6-3.pdf>. The DOE delayed the implementation of the updated 2022 concordant scores for one year. *Id.*

⁹⁵ EBRW is the Evidence Based Reading and Writing test of the SAT.

⁹⁶ NMSQT is the National Merit Scholarship Qualifying Test.

⁹⁷ NMSQT is the National Merit Scholarship Qualifying Test.

A student must successfully complete 24 credits, an International Baccalaureate (IB) curriculum, or an Advanced International Certificate of Education (AICE) curriculum to earn a standard high school diploma.⁹⁸ The required credits may be earned through equivalent, applied, or integrated courses or career education courses, including work-related internships approved by the SBE and identified in the course code directory. However, any must-pass assessment requirements must be met.⁹⁹

In order to earn a standard high school diploma, a student must earn:

- Four credits in ELA. The four credits must be in ELA I, II, III, and IV.
- Four credits in mathematics. A student must earn one credit in Algebra I and one credit in Geometry.
- Three credits in science. Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses.
- Three credits in social studies. A student must earn one credit in United States History; one credit in World History; one-half credit in economics; and one-half credit in United States Government.¹⁰⁰
- One credit in fine or performing arts, speech and debate or practical arts. The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education.
- Eight credits in electives.

Beginning with the cohort entering grade 9 in the 2023-2024 school year, a student must complete seven and one-half credits in electives and one-half credit in personal financial literacy in order to graduate with a standard high school diploma.¹⁰¹

To graduate, a student must complete the listed criteria and earn a cumulative GPA of 2.0 on a 4.0 scale.¹⁰² At least one course must be completed through online learning.¹⁰³ A student who earns credit upon completion of an apprenticeship or pre-apprenticeship program registered with the DOE may use such credit to satisfy the high school graduation credit requirements for fine or performing arts, speech and debate or practical arts, or the high school graduation credit requirements for electives.¹⁰⁴

Effect of the Bill

The bill revises graduation requirements by replacing one credit in practical arts with one credit in career and technical education. For receiving a standard high school diploma, the bill authorizes a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and

⁹⁸ Section 1003.4282(1)(a), F.S.

⁹⁹ Section 1003.4282(1)(b), F.S. An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the state academic standards for that subject. An applied course aligns with state academic standards and includes real-world applications of a career and technical education standards used in business or industry. An integrated course includes content from several courses within a content area or across content areas. *Id.*

¹⁰⁰ The United States Government course must include a comparative discussion of political ideologies that conflict with the founding principles of the United States. Beginning in the 2021-2022 school year, the students enrolled in the United States Government course must take a civic literacy assessment identified by the SBE. A passing score satisfies the postsecondary civic literacy assessment requirement and is not required for high school graduation. Section 1003.4282(3)(d), F.S.

¹⁰¹ Section 1003.4282 (3)(g) and (h), F.S. The required financial literacy course must cover types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services; balancing a checkbook; basic principles of money management; completing a loan application; receiving an inheritance and related implications; basic principles of personal insurance policies; computing federal income taxes; local tax assessments; computing interest rates by various mechanisms; simple contracts; contesting an incorrect billing statement; types of savings and investments; and state and federal laws concerning finance. Section 1003.4282(3)(h), F.S.

¹⁰² Section 1003.4282(6)(a), F.S.

¹⁰³ Section 1003.4282(4), F.S.

¹⁰⁴ Section 1003.4282(8)(a)3., F.S.

imagination to satisfy the one credit requirement in fine or performing arts, speech and debate, or career and technical education.

Effective upon becoming law and notwithstanding rule 6A-1.09422, F.A.C., the bill allows students in the 2022-23 graduating class who have not yet earned their required passing score to satisfy the Grade 10 statewide, standardized ELA assessment and Algebra 1 End-of-Course (EOC) assessment by obtaining a concordant passing score on the SAT, ACT, Postsecondary Education Readiness Test (PERT), Preliminary SAT (PSAT), or the Geometry EOC assessment. Eligible scores for each alternative assessment are specified in the table below.

	2022-23	2023-24+
Grade 10 ELA Assessment	SAT EBRW: ≥ 430 SAT Reading Subtest: ≥ 24 ACT Reading: ≥ 19 ACT English and Reading subject test average: ≥ 18	SAT EBRW: ≥ 480 ACT English and Reading subject test average: ≥ 18 CLT - TBD
Algebra 1 EOC Assessment	PERT: ≥ 114 PSAT/NMSQT: ≥ 430 SAT Mathematics: ≥ 420 ACT Mathematics: ≥ 16 Geometry EOC assessment: \geq achievement Level 3	PSAT/NMSQT: ≥ 430 SAT Mathematics: ≥ 420 ACT Mathematics: ≥ 16 Geometry EOC assessment: \geq achievement level 3 CLT - TBD

For the ACT, if the average of the two subject test scores yields a decimal of 0.5, the score must be rounded up to the next whole number. The ACT English and Reading subject tests, as well as the Classical Learning Test (CLT) Grammar/Writing and Verbal Reasoning subject tests, are not required to come from the same test administration. See Florida Bright Futures Scholarship Program section for a description of the CLT.

The SBE is required to establish, in rule, a concordant passing score for the sum of the Grammer/Writing and Verbal Reasoning subject test scores on the Classic Learning Test (CLT), and a concordant passing score for the Qualitative Reasoning subject test on the CLT.

Required Instruction

Present Situation

Among other topics, Florida law requires school districts to teach students certain topics relating to specific populations and their experiences, including the study of women’s and Hispanic contributions to the United States, the history of the Holocaust, and the history of African Americans.¹⁰⁵ Instruction on the history of the Holocaust must be taught in a way that leads to an understanding of the consequences of prejudice, racism, and stereotyping, and include both current and historic examples of anti-Semitism.¹⁰⁶ Additionally, instruction on the history of African Americans must include the history of

¹⁰⁵ Section 1003.42(2), F.S.
¹⁰⁶ Section 1003.42(2)(g)1., F.S.

Africans prior to development of slavery, the passage to America, the experience of slaves, the abolition of slavery, and the contributions of Americans of the African diaspora to society.¹⁰⁷

Course standards for United States Government must include a comparative discussion of political ideologies, such as communism and totalitarianism, that conflict with the principles of freedom and democracy essential to the founding principles of the United States. Additionally, the primary content for this course, pertains to the study of government institution and political processes and their historical impact on American society. The instruction also focuses on functions and purpose of government, functions of the state, the constitutional framework, federalism, separation of powers, functions of the three branches of government at the local, state and national level, the political decision-making process, among others.¹⁰⁸

Asian Americans and Pacific Islanders

Asian Americans and Pacific Islanders (AAPIs) make up almost eight percent of the United States population and roughly four percent of Florida's population.¹⁰⁹ They are the fastest-growing major racial or ethnic group in the United States.¹¹⁰ 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.¹¹¹

Asian/Pacific American Heritage month is celebrated every May to commemorate both the arrival of the first Japanese immigrants to the United States on May 7, 1843, and completion of the transcontinental railroad on May 10, 1869.¹¹² The majority of the workers who laid the tracks were Chinese immigrants.¹¹³ Contributions of the AAPI community to America's rich heritage include:¹¹⁴

- *Birthright Citizenship*: After a year-long battle between Wong Kim Ark (born in San Francisco to Chinese immigrants) and the United States Justice Department, the United States Supreme Court ruled in 1898 that children born in America to foreigners were United States 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 in Cleveland, Ohio, and the National Gallery of Art in Washington, D.C. Japanese American Minoru designed the original World Trade Center.
- *Fashion*: Chinese American fashion designer Vera Wang "has arguably become the most famous luxury designer in the bridal market."¹¹⁵

Asian American and Pacific Islander History Education in Other States

¹⁰⁷ Section 1003.42(2)(h), F.S.

¹⁰⁸ See CPALMS, *United States Government Course Standards*, <https://www.cpalms.org/Public/PreviewCourse/Preview/633> (last visited Apr. 24, 2023).

¹⁰⁹ 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 Apr. 25, 2023).

¹¹⁰ Pew Research Center, *Key facts about Asian origin groups in the United States*, <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-origin-groups-in-the-u-s/> (last visited Apr. 25, 2023).

¹¹¹ *Id.*

¹¹² Asian Pacific American Heritage Month, *About Asian/Pacific Heritage Month*, <https://asianpacificheritage.gov/about/> (last visited Apr. 25, 2023).

¹¹³ *Id.*

¹¹⁴ Food Safety and Inspection Service United States Department of Agriculture, *ARCHIVE: Asian American and Pacific Islander Contributions to our Nation's History*, <https://www.fsis.usda.gov/employees/employee-news-stories/archives/archive-asian-american-and-pacific-islander-contributions> (last visited Apr. 25, 2023).

¹¹⁵ Harper's Bazaar, *How Vera Wang changed the way brides dressed forever*, (Sept. 15, 2021).

<https://www.harpersbazaar.com/uk/bazaar-brides/a37596791/vera-wang-bride-interview/> (last visited Apr. 25, 2023).

In July 2021, during increased anti-Asian violence during the coronavirus pandemic, Illinois became the first state to require Asian American history be taught in public schools.¹¹⁶ Beginning in the 2022-2023 school year, every public elementary and high school in Illinois is required to include a unit of instruction on the history of Asian Americans, including their history in Illinois and the Midwest.¹¹⁷

In 2022, New Jersey became the second state to require school districts to provide kindergarten through grade 12 instruction on the history and contributions of AAPIs as part of implementation of the New Jersey Student Learning Standards in Social Studies.¹¹⁸

September 11, 2001

On September 11, 2001, terrorists who were members of al-Qaeda, an Islamist extremist group, hijacked four commercial aircrafts. In a coordinated attack, the hijackers intentionally flew two of the aircrafts into the Twin Towers of the World Trade Center in New York City, and a third into the Pentagon outside of Washington, D.C. The passengers and crew members on the fourth aircraft attempted to take control of the aircraft, causing the hijacker pilot to crash the aircraft into a field in Pennsylvania. Nearly 3,000 people were killed on that day, the single largest loss of life resulting from a foreign attack on American soil.¹¹⁹

Commemoration of September 11, 2001

On December 18, 2001, the US Congress designated September 11 of each year as “Patriot Day”¹²⁰ and in 2009 annually recognized the observance of September 11 as the “National Day of Service and Remembrance.”¹²¹ The DOE has created a portal dedicated to Patriots Day and 9/11 Commemoration, which offers commemoration resources, educational programs, and materials concerning the events of September 11, 2001, for school districts, teachers, parents, and the general public.¹²²

Instruction on September 11, 2001 in Florida Schools

Social studies, history, or the United States Government course generally incorporate lessons on the terrorist attacks that occurred on September 11, 2001. The Florida American history strand does include instruction on terrorism. For grades 9-12, standard SS.912.A.7.15 requires students to analyze the effects of foreign and domestic terrorism on the American people.¹²³ In addition, the clarification¹²⁴ from Florida’s collaborative platform of educational resources, CPALMS,¹²⁵ cites examples of foreign

¹¹⁶ 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 Apr. 25, 2023).

¹¹⁷ 105 ILL. COMP. STAT. 5/27-20.8. Contributions of Asian Americans shall include those of Asian American individuals in government, the arts, humanities, and sciences, in addition to contributions of Asian American communities to the economic, cultural, social, and political development of the United States. To ensure compliance, the regional superintendent of schools monitors school districts during annual compliance visits. Individual school boards determine the instructional time required to qualify as a unit for the purposes of the required instruction.

¹¹⁸ Official Site of the State of New Jersey, *Governor Murphy Signs Legislation Ensuring AAPI-Inclusive Curriculum is Taught in New Jersey Schools*, <https://www.nj.gov/governor/news/news/562022/20220118c.shtml>, (last visited Apr. 25, 2023).

¹¹⁹ 9/11 Memorial & Museum, *Module 1: Events of the Day*, [Module 1: Events of the Day | National September 11 Memorial & Museum\(911memorial.org\)](https://www.911memorial.org/Module-1-Events-of-the-Day-National-September-11-Memorial-Museum) (last visited Apr. 25, 2023).

¹²⁰ Pub. L. No. 107-89, 115 STAT. 876, (Dec. 18, 2001).

¹²¹ Pub. L. No. 111-13, 123 STAT. 1460, (Apr. 21, 2009).

¹²² Florida Department of Education, *Patriots Day & 9/11 Commemoration*, [Patriots Day & 9/11 Commemoration](https://fldoe.org/commemoration/Patriots-Day-9-11-Commemoration) (last visited Apr. 25, 2023).

¹²³ Florida Administrative Code and Florida Administrative Register, *Next Generation Sunshine State Standards – Social Studies, 2021*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-13403> (last visited Apr. 25, 2023).

¹²⁴ The clarifications section and benchmark information are required for Civics/Government and Holocaust Education standards. See CPALMS, SS.912.A.7.15, <https://www.cpalms.org/Public/PreviewStandard/Preview/3431> (last visited Apr. 25, 2023).

¹²⁵ CPALMS (Collaborate, Plan, Align, Learn, Motive, Share) is the State of Florida’s official source for standards information and course description. CPALMS provides access to standards-aligned, high-quality instructional/education resources, which are free to

and domestic terrorism on the American people to include, but are not limited to, Oklahoma City bombing, attack on September 11, 2001, Patriot Act, and wars in Afghanistan and Iraq.¹²⁶

States that have adopted standards specific to the events of September 11, 2001 include, but are not limited to, New York,¹²⁷ Oklahoma,¹²⁸ Tennessee,¹²⁹ Mississippi,¹³⁰ Georgia,¹³¹ South Carolina,¹³² and Texas.¹³³

Effect of the Bill

The bill requires the Governor to annually issue a proclamation designating September 11 as “9/11 Heroes’ Day” and calls for public schools to suitably observe such day as a day honoring those who perished in the September 11, 2001 attacks, including 2,763 people at the World Trade Center, 189 people at the Pentagon, 44 people on United Airlines Flight 93, and the 25,000 people maimed or fatally injured on or after that date. The bill also calls for the observance of 9/11 Heroes’ Day to be suitably observed by public exercise in the State Capitol and elsewhere as may be designated by the Governor.

The bill specifies that if September 11 falls on a day that is not a school day, 9/11 Heroes’ Day must be observed in public schools on the preceding school day or on such school day as may be designated by local school authorities.

Beginning in the 2023-2024 school year, the bill requires middle school students enrolled in the civics education course as a middle school requirement and high school students enrolled in United States Government course required for a standard high school diploma, to receive at least 45 minutes of instruction on “9/11 Heroes’ Day” on topics involving the history and significance of September 11, 2001, including remembering the sacrifice of military personnel, government employees, civilians, and emergency responders who were killed, wounded, or suffered sickness due to the terrorists attacks on or after that date, including, but not limited to:

- The historical context of global terrorism.
- A timeline of the events that occurred on September 11, 2001. These events include the attacks on the World Trade Center, the Pentagon, and the United Airlines Flight 93.
- The selfless heroism of police officers, firefighters, paramedics, other first responders, and civilians involved in the rescue and recovery of victims and the heroic actions taken by the passengers of United Airlines Flight 93.

Florida educators, that have been developed specific for the standards and vetted through a rigorous review process. See CPALMS, *About CPALMS*, https://www.cpalms.org/CPALMS/about_us.aspx (last visited Apr. 25, 2023).

¹²⁶ CPALMS, *SS.912.A.7.15*, <https://www.cpalms.org/Public/PreviewStandard/Preview/3431> (last visited Apr. 25, 2023).

¹²⁷ New York includes instruction on 9/11 for grades 8, 10, and 11. See New York State K-8 Social Studies Framework (2017), available at <https://www.nysed.gov/sites/default/files/programs/curriculum-instruction/ss-framework-k-8a2.pdf>.

¹²⁸ Oklahoma includes instruction on 9/11 for grades 9-12. See Oklahoma State Department of Education, *Social Studies* (2013), available at https://sde.ok.gov/sites/ok.gov.sde/files/documents/files/Social_Studies_OK_Academic_Standards.pdf.

¹²⁹ Tennessee includes instruction on 9/11 for grades 9-12. See Tennessee Department of Education, *Tennessee Social Studies Standards* (2017), available at https://www.tn.gov/content/dam/tn/education/standards/ss/Social_Studies_Standards.pdf.

¹³⁰ Mississippi includes instruction on 9/11 for grades 9-12. See Mississippi Department of Education, *2018 Mississippi College and Career Readiness Standards for Social Studies* (2018), available at

https://www.mdek12.org/sites/default/files/Page_Docs/final_2018_mississippi_ccr_social_studies_standards_2.pdf.

¹³¹ Georgia includes instruction on 9/11 for grades 5 and 9-12. See Georgia Department of Education, *Georgia Standards of Excellence* (2021), available at <https://lor2.gadoe.org/gadoe/file/c0c0ad9a-d88e-4864-b49b-1302099da16a/1/Social-Studies-K-12-Georgia-Standards.pdf>.

¹³² South Carolina includes instruction on 9/11 for grade 5. See South Carolina Department of Education, *South Carolina College and Career Ready Standards* (2019), available at <https://ed.sc.gov/instruction/standards-learning/social-studies/standards/2019-south-carolina-social-studies-college-and-career-ready-standards/>.

¹³³ Texas includes instruction on 9/11 for grade 9-12. See Texas Administrative Code, *Rule § 113.41 United States History Studies Since 1877*,

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=113&rl=41](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=2&ch=113&rl=41) (last visited Apr. 26, 2023).

- The unprecedented outpouring of humanitarian, charitable, and volunteer aid occurring after the events of September 11, 2001.
- The global response to terrorism and importance of respecting civil liberties while ensuring safety and security.

The SBE must adopt revised social studies standards for inclusion in the civics education course and the required United States Government course that incorporate the updated educational standards for instruction on “9/11 Heroes’ Day.”

The bill requires the history of AAPIs to be included in required instruction. Topics taught must include the history of Japanese internment camps and the incarceration of Japanese-Americans during World War II; the immigration, citizenship, civil rights, identity, and culture of AAPIs; and the contributions of AAPIs to American society. Instructional materials must include the contributions of AAPIs to American society.

Generally, the DOE adopts instructional materials for subject areas according to a 5-year rotating adoption schedule. Because the state adoption process for Social Studies is currently underway,¹³⁴ this required instruction may not be included in the instructional materials adopted by the state, however, student instruction will not be delayed.

Instructional and Library Materials

Present Situation

Each district school board must maintain a list of all purchased instructional materials on its website.¹³⁵ Materials purchased, including instructional materials and library media and reference books, must be free of pornography and materials harmful to minors¹³⁶; suited to student needs and their ability to comprehend the materials presented; and appropriate for the grade level and age group for which the materials are used or made available.¹³⁷

In addition to instructional materials, each district school board is responsible for the content of any other materials used in the classroom, made available in a school library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program, or otherwise purchased or made available.¹³⁸ School district policies regarding library media materials selection vary. Some school districts have policies that provide criteria for the selection of materials, with consideration being given to the needs of the school based on the knowledge of curriculum and existing collection, and the needs of the students attending the school.¹³⁹ Such procedures may include the school media specialist evaluating reputable, unbiased, and professionally prepared aids such as those published by companies and accepted by the educational media profession. The school media specialist may also consult with other staff members of a school regarding evaluation of materials. Some school districts also utilize district handbooks that provide support for library media specialists.¹⁴⁰

¹³⁴ Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2023-2024 through 2027-2028* (Apr. 3, 2023), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

¹³⁵ Section 1006.28(2)(e), F.S.

¹³⁶ See s. 847.012, F.S.

¹³⁷ Section 1006.40(3)(d), F.S.

¹³⁸ Section 1006.28(2)(a)1., F.S.

¹³⁹ See, e.g., The School District of Osceola County, Florida, 2021-22 School Board Rules, 4.22 *Educational Media Materials Selection* (2021) at 189, available at

https://www.osceolaschools.net/site/handlers/filedownload.ashx?moduleinstanceid=15041&dataid=75567&FileName=__OCSBR%202021-22%20121421.pdf.

¹⁴⁰ Santa Rosa County School District, *Library Media Handbook* (2016), available at <https://sites.santarosa.k12.fl.us/files/lmsbdbk.pdf> (providing a mission statement, the role of the school library media specialist, and the library media center management, evaluation, and selection protocol).

In 2022,¹⁴¹ the Legislature established additional requirements related to the selection of library materials. Beginning January 1, 2023, school librarians, media specialists, and other personnel involved in the selection of school district library materials must complete a training program developed by the DOE to assist them in selecting materials that are accurate, objective, balanced, noninflammatory, current, free of pornography and prohibited material, and suited to student needs and comprehension abilities.¹⁴² Each book made available to students through a school district media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid education media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.¹⁴³

Additionally, each elementary school must publish on its website, in a searchable format prescribed by the DOE, a list of all materials maintained in the school library media center or required as part of a school or grade-level reading list.¹⁴⁴ Upon written request, school districts are required to provide access to any material or book specified in the request that is maintained in a district school library system.¹⁴⁵ Additionally, district school boards must post adopted procedures for developing library media center collections on the website of each school within the district. The procedures must:

- require that book selections are free of pornographic and other prohibited material, suited to student needs and comprehension abilities, and grade and age group appropriate;
- require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders;
- provide for library media center collections based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty; and
- provide for the regular removal or discontinuance of books based on physical conditions, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and required removal for failure to subject material to public notice, review, comment, and hearing procedures.¹⁴⁶

In 2022,¹⁴⁷ the legislature reaffirmed and acknowledged the fundamental truth that all persons are equal before the law and have inalienable rights. Therefore, all instruction and supporting materials used to teach required topics in Florida's public schools must be consistent with the following principles of individual freedom:¹⁴⁸

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

¹⁴¹ Chapter 2022-21, L.O.F.

¹⁴² Section 1006.28(2)(d), F.S.

¹⁴³ Section 1006.28(2)(d)1., F.S.

¹⁴⁴ Section 1006.28(2)(d)3., F.S. The State Board of Education rule implementing this requirement included classroom libraries in the materials that must be included in the published catalog. Rule 6A-7.0713(2)(c), F.A.C.

¹⁴⁵ Section 1006.28(2)(d), F.S.

¹⁴⁶ Section 1006.28(2)(d)2., F.S.

¹⁴⁷ Chapter 2022-72, L.O.F.

¹⁴⁸ Section 1003.42(3)(a)-(f), F.S.

Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how personal freedoms have been infringed by sexism, slavery, racial oppression, racial segregation, and racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination and how recognition of these freedoms have overturned these unjust laws. However, classroom instruction and curricula may not be used to indoctrinate or persuade students to a particular viewpoint that is inconsistent with the principles of individual freedom and the state academic standards.¹⁴⁹

In 2022, the legislature also enacted the Parental Rights in Education Act,¹⁵⁰ requiring district school boards to adopt procedures that comport with certain provisions in law for notifying a student's parent of specific information.

Effect of the Bill

For the 2023-2024 fiscal year, the sum of \$5.8 million in nonrecurring funds is appropriated from the General Revenue Fund to the DOE to be used for the competitive procurement of a statewide transparency tool to support the implementation of instructional and library materials requirements in accordance with chapters 2022-21, 2022-22, and 2022-72, Laws of Florida.

Instructional Materials Related to Reproductive Health

Present Situation

School districts must provide health education instruction to Florida's students.¹⁵¹ This instruction must cover, among other topics, the prevention and control of disease, prevention of child sexual abuse, exploitation, and human trafficking, teen dating violence and abuse,¹⁵² and the benefits of sexual abstinence and the consequences of teen pregnancy.¹⁵³ Additionally, school districts may provide instruction in HIV/AIDS as part of their health education programs.¹⁵⁴ School districts must permit parents to exempt their children from instruction related to reproductive health and any disease, including HIV/AIDS.¹⁵⁵

Throughout instruction in acquired immune deficiency syndrome, sexually transmitted diseases, or health education, when such instruction and course material contains instruction in human sexuality, a school must:

- Teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students while teaching the benefits of monogamous heterosexual marriage.
- Emphasize that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, including acquired immune deficiency syndrome, and other associated health problems.
- Teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others.
- Provide instruction and material that is appropriate for the grade and age of the student.¹⁵⁶

Instructional materials used to teach reproductive health and any disease, including HIV/AIDS, must be approved annually by the district school board in an open, noticed public meeting.¹⁵⁷ The instructional

¹⁴⁹ Section 1003.42(3), F.S. (flush left provision at end of paragraph).

¹⁵⁰ Chapter 2022-22, L.O.F.

¹⁵¹ Section 1003.42(2)(n), F.S.

¹⁵² Instruction in teen dating violence and abuse occurs in grades 7 through 12. Section 1003.42(2)(n)2., F.S.

¹⁵³ Instruction in sexual abstinence and the consequences of teen pregnancy occurs in grades 6 through 12. Section 1003.42(2)(n) and (n)3., F.S.

¹⁵⁴ Section 1003.46(1), F.S.

¹⁵⁵ Section 1003.42(5), F.S.

¹⁵⁶ Section 1003.46(2), F.S.

¹⁵⁷ Section 1003.42(1)(b), F.S.

materials must be available through a link on the school district homepage for review by parents.¹⁵⁸ District school boards must notify parents of the right and the process to request an exemption from reproductive health instruction and post such information on the district's website homepage.¹⁵⁹ As the instruction in these topics occurs over a range of grades, instruction and materials used must always be appropriate for the grade and age of the student.¹⁶⁰

Effect of the Bill

The bill requires each school district to annually review and confirm that the reproductive health and disease information, instructional materials, parental exemption process and form, and all associated links available on the district school board website are accurate and up-to-date. District school boards are required to notify parents by physical or electronic means any time revisions are made to such information.

School District Zero Tolerance Policies and Procedures

Present Situation

District school boards must promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs.¹⁶¹ Zero tolerance policies must apply equally to all students regardless of their economic status, race, or disability.¹⁶²

Each district school board must adopt a policy of zero tolerance that:

- defines criteria for reporting to a law enforcement agency any act that poses a threat to school safety that occurs whenever or wherever students are within the jurisdiction of the district school board;
- defines acts that pose a threat to school safety;
- defines petty acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement;
- minimizes the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization;
- establishes a procedure that provides each student with the opportunity for a review of the disciplinary action imposed; and
- requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.¹⁶³

Effect of the Bill

The bill provides a rebuttable presumption in any disciplinary action that a student who intervenes, using only the amount of force necessary, to stop a violent act against a student, staff, or volunteer was necessary to restore or maintain the safety of others.

K-12 Student and Parent Rights

¹⁵⁸ Section 1003.42(5), F.S.

¹⁵⁹ Section 1002.20(3)(d), F.S.

¹⁶⁰ Section 1003.46(2)(d), F.S.

¹⁶¹ Section 1006.13(1), F.S.

¹⁶² *Id.*

¹⁶³ Section 1006.13(2)(a)-(f), F.S.

Present Situation

Florida law requires that parents of public school students be provided accurate and timely information regarding their child's academic progress and informed of ways they can help their child to succeed in school.¹⁶⁴ To inform parents and enable them to direct and control their child's education, the law specifies various parental notice requirements, requires parental consent before public schools may take certain actions, and allows parents to opt their child out of certain requirements for religious or other reasons.¹⁶⁵ The law also allows students with certain medical conditions to administer their medications during the school day. These medications include asthma inhalers, epinephrine auto-injectors, diabetic supplies and equipment, and pancreatic enzyme supplements.¹⁶⁶

Students have a legitimate expectation of privacy to be secure in their persons and effects at school and are protected from unreasonable searches and seizures conducted by school officials under the Fourth Amendment of the United States Constitution.¹⁶⁷ However, the legality of student searches is judged by a different standard than searches conducted by law enforcement officers or other government officials outside of the school environment. Under ordinary circumstances, a search warrant supported by probable cause is required to search one's person or belongings. The court has attempted to balance the privacy interests of students with the need to maintain a safe, efficient, and orderly school environment. Thus, the United States Supreme Court has disposed of the warrant and probable cause requirements for student searches. Instead, the legality of a search of a student conducted by school officials depends upon the reasonableness of the search, under the circumstances.¹⁶⁸

Effect of the Bill

The bill provides that a student may possess and use medications to relieve headaches while on school property or at a school-sponsored event or activity without a physician's note or prescription if the medication is regulated by the United States Food and Drug Administration for over-the-counter use to treat headaches.

In addition, the bill requires that any search of a student's personal belongings, including a purse, backpack, or bookbag, must be conducted discreetly in order to protect the privacy of the student's personal items. Personal items that are not prohibited on school grounds must be immediately returned to the student's personal belongings.

Postsecondary General Education Courses

Present Situation

The DOE is responsible for identifying the degree programs offered by public postsecondary educational institutions.¹⁶⁹ The DOE must identify postsecondary career education programs offered by Florida College System (FCS) institutions and district school boards, as well as career courses

¹⁶⁴ Section 1002.20, F.S., (introductory paragraph at beginning of section).

¹⁶⁵ See, e.g., s. 1002.20(3), F.S.

¹⁶⁶ See, e.g., s. 1002.20(3)(h)-(k), F.S.

¹⁶⁷ The Fourth Amendment provides that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." U.S. Const., amend. 4.

¹⁶⁸ *New Jersey v. T.L.O.*, 469 U.S. 325, 340-342 (1985). The United States Supreme Court has upheld school district policies requiring students to participate in random drug testing as a condition of participation in athletics and other extracurricular activities. See *Vernonia School District v. Acton*, 515 U.S. 646, (1995), and *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002).

¹⁶⁹ Section 1007.25(1), F.S.

designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.¹⁷⁰

The chair of the SBE and the chair of the Board of Governors (BOG), or their designees, jointly appoint faculty committees to identify statewide general education core course options. General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the SBE and the BOG, as recommended by the subject area faculty committee and approved by the Articulation Coordinating Committee (ACC) as necessary for a subject area. Each general education core course option must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course. Beginning with students initially entering a FCS institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. Beginning in the 2022-2023 academic year and thereafter, students entering a technical degree education program¹⁷¹ must complete at least one identified core course in each subject area as part of the general education course requirements before a degree is awarded. All public postsecondary educational institutions must accept these courses as meeting general education core course requirements. The remaining general education course requirements must be identified by each institution and reported to the department by their statewide course number. The general education core course options are adopted in rule by the SBE and in regulation by the BOG.

Effect of the Bill

The bill requires the SBE and the BOG to identify colleges and universities to develop advanced secondary general education courses and provide training to course instructors. This will provide an opportunity for students to take collegiate-level general education core coursework while in high school.

Articulated Acceleration

Present Situation

High school students in Florida have a variety of avenues by which they can earn college credit. These opportunities, known as articulated acceleration mechanisms, shorten the time necessary for a student to complete the requirements for a high school diploma and a postsecondary degree. These mechanisms also allow Florida schools to increase the depth of study in a particular subject and expand available curricular options.¹⁷²

Programs that provide high school students with the opportunity to earn college credit include, but are not limited to, dual enrollment and early admission, credit by examination, advanced placement, the IB Program, and the AICE Program. Credit earned through the Florida Virtual School also provides additional opportunities for early graduation and acceleration.¹⁷³

The DOE annually identifies and publishes the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement Program examination, AICE examination, IB examination, Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT). In

¹⁷⁰ Section 1007.25(2), F.S.

¹⁷¹ See s. 1004.02(13), F.S.

¹⁷² Section 1007.27(1), F.S.

¹⁷³ *Id.*

addition, the department also identifies courses in the general education core curriculum of each state university and FCS institution for which credit is to be granted.¹⁷⁴

Advanced Placement Program

The College Board's Advanced Placement (AP) Program consists of over 38 rigorous high school courses and nationally standardized examinations in multiple subject areas ranging from art to statistics.¹⁷⁵ Cutoff scores and postsecondary course equivalencies are determined by the ACC and approved by the SBE and the BOG.¹⁷⁶ Currently, students may earn college credit only if they receive an examination score of three or higher on a 5-point scale.¹⁷⁷ Public school students in Florida are exempt from the payment of any fees associated with the administration of the examinations¹⁷⁸ regardless of whether they achieve a passing score.¹⁷⁹

In addition to the AP Examination, the College Board established the AP Capstone Diploma to provide students with opportunities to develop skills in critical thinking, independent research, collaborative teamwork, and communication skills.¹⁸⁰ The AP Capstone Diploma program is based on two year-long AP courses: AP Seminar and AP Research. These two courses are designed to complement the other AP courses taken by an AP Capstone student. Students typically take the AP Seminar course in either grade 10 or 11, followed by the AP Research course.

Students who earn a score of 3 or higher on the exams for the AP Seminar course and the AP Research course, plus earn a score of 3 or higher on four additional AP exams of their choosing, receive the AP Capstone Diploma.¹⁸¹ The AP Capstone Diploma program signifies that the student has completed a certain set of requirements in high school to earn an advanced diploma in addition to the standard high school diploma. There are 335 approved AP Capstone schools in Florida.¹⁸²

Articulation Coordinating Committee

The ACC, established by the Commissioner of Education, in consultation with the Chancellor of the State University System, makes recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data, to the Higher Education Coordination Council, the SBE, and the BOG. The committee consists of two members each representing the State University System (SUS), the FCS, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The chair is elected from the membership.¹⁸³

The primary role of the Oversight Committee is to make recommendations based on information resulting from reconciling designated common prerequisite courses with the Statewide Course Numbering System to ensure accuracy and utility; building institution accountability for adhering to designated program prerequisites and advising students appropriately; surveying the faculty sub-

¹⁷⁴ Section 1007.27(2), F.S.

¹⁷⁵ Florida Department of Education, *Florida Counseling for Future Education Handbook 2021-2022 Edition* (2022), at 30, available at https://dls.flvc.org/documents/210036/1531784/FCFEH_2021_2022.pdf/80ed74c7-21cf-0047-db7f-c8ee3910804d.

¹⁷⁶ Section 1007.27(2) and (6), F.S.

¹⁷⁷ Section 1007.27(5), F.S.

¹⁷⁸ The College Board, *AP Students Exam Fees*, <https://apstudents.collegeboard.org/exam-policies-guidelines/exam-fees> (last visited Apr. 25, 2023).

¹⁷⁹ Section 1007.27(5), F.S.

¹⁸⁰ The College Board, *What is the AP Capstone Diploma Program*, <https://apcentral.collegeboard.org/pdf/ap-capstone-student-brochure.pdf?course=ap-capstone-diploma-program> (last visited Apr. 25, 2023).

¹⁸¹ The College Board, *How it Works* (2022), at 3, available at <https://apcentral.collegeboard.org/pdf/ap-capstone-student-brochure.pdf?course=ap-capstone-diploma-program>.

¹⁸² The College Board, *Participating AP Capstone Schools* <https://collegeboard.force.com/ParticipatingAPCapstoneSchools/s/> (last visited Apr. 25, 2023).

¹⁸³ Section 1007.01(3), F.S.

committees to determine if changes in programs warrant changes in designated prerequisites; conducting a review of institution catalogs for verification of the communication of common program prerequisites; studying student participation in statewide agreements; and conducting a review of current programs that may be candidates for statewide articulation, including institution surveys and workforce trends.¹⁸⁴

Effect of the Bill

The bill requires that all dual enrollment program courses be age and developmentally appropriate.

The bill authorizes DOE to partner with an independent third-party testing or assessment organization to develop assessments to measure the competencies required for general education core courses in order for students to earn postsecondary credit while in high school. The bill modifies the advanced course options to include the advanced courses created by the FCS and SUS institutions identified by DOE and earn college credit after achieving a minimum score on a postsecondary credit assessment as identified by the DOE.

The bill requires the DOE, in cooperation with the BOG, to issue a report to the Legislature by January 1, 2024, on the alignment between acceleration mechanisms available to secondary students and student success at the postsecondary level. The report must examine, at a minimum, how: acceleration mechanisms align to secondary completion and rates of success; bonuses provided to classroom teachers for completion or passage by students of acceleration courses impact school quality and performance; acceleration mechanisms align to postsecondary completion rates; acceleration course offerings align with general education core courses and reduce time to complete a postsecondary degree; and to improve acceptance of postsecondary credit earned through acceleration courses through agreements with other states.

School Grades

Present Situation

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.¹⁸⁵ School grades are also used to determine whether a school must select or implement a turnaround option.¹⁸⁶

Schools are graded using one of the following grades:¹⁸⁷

- "A" for schools making excellent progress – 62 percent or higher of total points.
- "B" for schools making above average progress – 54 percent to 61 percent of total points.
- "C" for schools making satisfactory progress – 41 percent to 53 percent of total points.
- "D" for schools making less than satisfactory progress – 32 percent to 40 percent of total points.
- "F" for schools failing to make adequate progress – 31 percent or less of total points.

Each school that earns a grade of "A" or improves at least two letter grades may have greater authority over the allocation of the school's total budget generated from the Florida Education Finance Program (FEFP), state categoricals, lottery funds, grants, and local funds.¹⁸⁸

¹⁸⁴ Florida Department of Education, *Articulation Coordinating Committee- Oversight Committee*,

<https://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/> (last visited Apr. 25, 2023).

¹⁸⁵ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

¹⁸⁶ Section 1008.33(4), F.S. As the state transitions to the new progress monitoring system, schools will be held harmless for the 2022-2023 school grades. Once learning gains can be calculated following the 2023-2024 school year, the SBE must evaluate the school grading scale to determine if the scale should be adjusted. Section 1008.34(7), F.S.

¹⁸⁷ Section 1008.34(2), F.S.; r. 6A-1.09981(4)(d), F.A.C.

¹⁸⁸ Section 1008.34(2), F.S. (flush-left provision).

Each school must assess at least 95 percent of its eligible students. Each school must receive a school grade based on the school's performance on the following components, each worth 100 points:¹⁸⁹

- The percentage of eligible students passing statewide, standardized assessments in ELA;
- The percentage of eligible students passing statewide, standardized assessments in mathematics;
- The percentage of eligible students passing statewide, standardized assessments in science;
- The percentage of eligible students passing statewide, standardized assessments in social studies;
- The percentage of eligible students who make Learning Gains in ELA as measured by statewide, standardized assessments;
- The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments;
- The percentage of eligible students in the lowest 25 percent in ELA, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized ELA assessments;
- The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments; and
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade is based on the following components, each worth 100 points:¹⁹⁰

- The 4-year high school graduation rate of the school.
- The percentage of students who:
 - were eligible to earn college and career credit through College Board AP examinations, IB examinations, dual enrollment courses, including career dual enrollment courses resulting in the completion of 300 or more clock hours during high school or AICE examinations;
 - at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List; or
 - beginning with the 2022-2023 school year, earned an Armed Services Qualification Test score that falls within Category II or higher on the Armed Services Vocational Aptitude Battery and earned a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.

Effect of the Bill

Beginning in Fiscal Year 2023-2024, the bill adds an additional measure to the school grades formula to include the percentage of eligible students who earn an achievement level 3 or higher on the grade 3, standardized ELA assessment. Additionally, for a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the bill modifies one of the school grade components, the percentage of students who were eligible to earn college and career credit, by including students who are eligible to earn postsecondary credit through assessments identified by the DOE.

Charter Schools

Present Situation

¹⁸⁹ Section 1008.34(3)(b)1.a.-i., F.S.

¹⁹⁰ Section 1008.34(3)(b)2.a.-b., F.S.

All charter schools in Florida are tuition-free public schools within the state's public education system.¹⁹¹ One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."¹⁹² Charter schools operate under a performance contract with a sponsor.¹⁹³ This performance contract is known as a "charter."¹⁹⁴

In Florida, several types of entities may authorize or "sponsor" charter schools:

- School districts, FCS institutions, and state universities may sponsor charter schools.¹⁹⁵
- State universities may sponsor charter lab schools.¹⁹⁶
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.¹⁹⁷

During the 2021-2022 school year, there were 703 charter schools operating in 47 of Florida's 67 school districts serving a total of 361,939 students.¹⁹⁸

Charter School Application

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality or a legal entity organized under Florida law.¹⁹⁹ The school must be organized as, or be operated by a municipality, a public entity authorized under the law, or a nonprofit organization.²⁰⁰

Each charter school must have a governing board. The board is responsible for:

- negotiating the school's charter agreement with its sponsor;
- exercising continuing oversight over the school's operations;
- adopting and maintaining an annual operating budget;
- ensuring that annual audits are conducted;
- submitting monthly financial statements to the sponsor and implementing corrective actions to remedy financial instability;
- submitting the school's annual progress report to the sponsor; and
- adopting policies which establish standards of ethical conduct for educational support employees, instructional personnel, and school administrators.²⁰¹

A sponsor must receive and consider charter school applications during the year for charter schools to be opened at a time determined by the applicant.²⁰²

¹⁹¹ Section 1002.33(1), F.S. Florida's first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.*

¹⁹² Section 1002.33(2)(a)1., F.S.

¹⁹³ Section 1002.33(1), (7), and (9)(a), F.S.

¹⁹⁴ Section 1002.33(7) and (9)(c), F.S.

¹⁹⁵ Section 1002.33(5)(a)1.-3., F.S. In 2021, the Legislature authorized Florida's state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the DOE. A state university or FCS institution may, at its discretion, deny an application for a charter school. Section 1002.33(5)(a)3.c., F.S.

¹⁹⁶ Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

¹⁹⁷ Section 1002.34(3)(a)-(b), F.S.

¹⁹⁸ Florida Department of Education, Office of Independent Education & Parental Choice Reports, *Fact Sheet, Florida's Charter Schools* (Sept. 2022), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf>.

¹⁹⁹ Section 1002.33(3)(a), F.S. *see also* r. 6A-6.0786, F.A.C. and Florida Department of Education, Charter Schools, *Model Application Forms*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited Apr. 25, 2023).

²⁰⁰ Section 1002.33(12)(i), F.S. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization. *Id.*

²⁰¹ Section 1002.33(7), (9)(h)-(k), and (12)(g)3. F.S.

²⁰² Section 1002.33(6)(b), F.S. (2021). Prior to this change in 2021, applications had a deadline of February 1, with a school opening date of 18 months later or at a time determined by the applicant.

Charter school applications must:²⁰³

- demonstrate how the school will utilize the guiding principles;²⁰⁴
- provide a detailed curriculum plan aligned with the state’s academic standards;²⁰⁵
- contain goals and objectives for improving student learning and measuring such improvement;
- describe the reading curricula and differentiated strategies for serving students at various levels of reading ability;
- contain an annual financial plan; and
- disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter school.²⁰⁶

Charter

After a charter school application is approved, the terms of the charter must be negotiated by the applicant and sponsor using the standard charter contract within 30 days after approval of the application.²⁰⁷ The initial term of a charter is 5 years, excluding 2 planning years.²⁰⁸ The charter must include:²⁰⁹

- the types of students to be served, including ages and grade levels;
- the curriculum focus and instructional methods to be used;²¹⁰
- baseline standards of student academic achievement, outcomes to be achieved and methods of measurement to be used;²¹¹
- the method for determining the strengths and needs of students and whether they are meeting educational goals²¹² and for secondary charter schools,²¹³ the method to determine a student has satisfied the requirements for high school graduation;
- the method for resolving conflicts between the governing body and the sponsor;
- admission and dismissal procedures and the school’s student conduct code;
- methods for achieving a racial/ethnic balance reflective of the community served;

²⁰³ Section 1002.33(6)(a)1.-6., F.S. A sponsor may require the applicant to submit additional information as an addendum to the application. See also Florida Department of Education, Charter Schools, *Model Application Forms*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited Apr. 25, 2023).

²⁰⁴ The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice; increase learning opportunities for all students, with special emphasis on low-performing students and reading and utilize innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

²⁰⁵ Section 1003.41, F.S.

²⁰⁶ The sponsor must consider the history of these entities in deciding to approve or deny the application. Section 1002.33(6)(a)6., F.S.

²⁰⁷ Section 1002.33(7) and (7)(b), F.S. A sponsor may require the applicant to submit additional information as an addendum to the application. See s. 1002.33(6)(a)7., F.S.

²⁰⁸ Section 1002.33(7)(a)(12), F.S. (2018).

²⁰⁹ Section 1002.33(7)(a)1.-19., F.S.

²¹⁰ The charter must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction to students who are reading below grade level. Additionally, to provide students with access to diverse instructional delivery models, charter schools may implement blended learning courses. Section 1002.33(7)(a)2.a.-b., F.S. Any changes to curriculum which are consistent with state standards are deemed approved under the charter unless the sponsor and the DOE determine in writing that the curriculum is inconsistent with state standards. Section 1002.33(7)(d), F.S. (2021).

²¹¹ The district school board is required to provide academic student performance data for students coming from the district school system to the charter, as well as rates of academic progress of comparable student populations in the district. Section 1002.33(7)(a)3., F.S. (flush-left provision at the end of the sub-subparagraph).

²¹² Students in a charter school must, at a minimum, participate in Florida’s statewide assessments. Section 1002.33(7)(a)4., F.S.

²¹³ In this context, the term “secondary education” is synonymous with “middle or high school” (grades 6 through 12). Generally, elementary schools serve students in kindergarten through grade 5, middle schools serve students in grades 6 through 8, and high schools serve students in grades 9 through 12. See s. 1003.01(2), F.S. (definition of “school”).

- the financial and administrative management of the school, including experience required for management positions and a description of internal audit controls;
- asset and liability projections;
- a description of plans to identify various risks, reduce losses and ensure student and faculty safety;
- an agreement that the charter may be cancelled if the school has made insufficient progress with student achievement;
- the facilities to be used;
- teacher qualifications, governance structure and timetables for implementing each element of the charter;
- full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations; and
- provisions for implementing high-performing charter school benefits if the charter school is designated as “high-performing.”

Student Eligibility for Enrollment

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.²¹⁴ The charter school governing board determines the school’s capacity based upon its contract.²¹⁵ Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school’s capacity, a random lottery must be used to determine which students are enrolled.²¹⁶ Enrollment preference may be given to:

- siblings of current charter school students;
- children of a member of the charter school governing board;
- children of charter school employees;
- children who complete a Voluntary Prekindergarten Education (VPK) program, during the previous year, provided by the charter school, the charter school’s governing board, or a VPK provider which has a written agreement with the governing board;
- children of active-duty United States Armed Forces personnel; and
- children who attend or are assigned to a failing school.²¹⁷

Additionally, a charter school-in-the-workplace may give enrollment preference to students whose parents are employees of the school’s business partner and students whose parents are residents of the municipality in which the school is located. A charter school-in-a-municipality may also give enrollment preference to students whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.²¹⁸

A charter school may limit the enrollment process in order to target the following student populations:²¹⁹

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school.
- Exceptional education students.

²¹⁴ Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an “affiliated charter school.” However, a charter school may use a weighted lottery under certain prescribed circumstances. *see* 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). *See also* United States Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter-ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

²¹⁵ Section 1002.31(2)(b), F.S.

²¹⁶ Section 1002.33(10)(b), F.S.

²¹⁷ Section 1002.33(10)(d)1.-3. and 5.-7., F.S.

²¹⁸ Section 1002.33(10)(d)4.a.-b., F.S.

²¹⁹ Section 1002.33(10)(e)1.-7., F.S.

- Children of a business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school.
- Students who meet reasonable academic, artistic or other eligibility standards established by the charter school.
- Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units.²²⁰

Charter School Capital Outlay Funding

Beginning in Fiscal Year (FY) 2023-2024, charter school capital outlay funding consists of state funds when funds are appropriated in the GAA and revenue resulting from the 1.5 discretionary millage a school district levies if the amount of state funds appropriated for charter school capital outlay is less than the average charter school capital outlay funds per unweighted full-time equivalent student for FY 2018-2019, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year.²²¹ In FY 2022-2023, the Legislature appropriated \$195,768,743 for the Charter School Capital Outlay Allocation.²²²

To be eligible for charter school capital outlay funding, a charter school must:

- be in operation for at least two years;
- be governed by a governing board established in Florida for two or more years which operates both charter schools and conversion charter schools within the state;
- be part of an expanded feeder chain with an existing charter school in the district that is currently receiving charter school capital outlay funds;
- be accredited by a regional accrediting association as defined by state board rule;
- serve students in facilities that are provided by a business partner for a charter school-in-the-workplace; or
- be operated by a hope operator.²²³

In addition, a charter school must:

- have an annual audit that does not reveal a financial emergency for the most recent fiscal year for which such audit results are available;
- have satisfactory student achievement based upon the state accountability standards applicable to charter schools;
- have received final approval from its sponsor for operation during that fiscal year; and
- serve students in facilities that are not provided by the charter school sponsor.²²⁴

²²⁰ *Id.* Students living in such a development are entitled to 50 percent of the student stations in the charter schools. *Id.*

²²¹ Section 1013.62(1), F.S. For the 2022-2023 fiscal year, charter capital outlay consisted of funds appropriated in the General Appropriations Act.

²²² Florida Department of Education, *2022-23 Funding for Florida's School Districts*, at 7, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

²²³ Section 1013.62(1)(a)1.a.-f., F.S.

²²⁴ Section 1013.62(1)(a)2.-5., F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(b), F.S.

Under SBE rule, satisfactory student achievement is determined by the school's most recent grade designation or school improvement rating from the state accountability system.²²⁵ Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one year, are based on the student performance metrics in the charter school's charter agreement.²²⁶ Allocations are not distributed until school grade designations are known.²²⁷ A charter school is not eligible for capital outlay funding if the charter:²²⁸

- receives a grade designation of "F" or two consecutive grades lower than a "C"; or
- receives a school improvement rating of "Unsatisfactory".

Capital outlay funds may be used by a charter school's governing board for the following:²²⁹

- Purchase of real property.
- Construction of school facilities.
- Purchase, lease-purchase or lease of permanent or relocatable school facilities.
- Purchase of vehicles to transport students to and from the charter school.
- Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer.
- Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.
- Purchase, lease-purchase or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment.
- Purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources.
- Payment of the cost of the opening day collection for the library media center of a new school.

Effect of the Bill

Current law authorizes a charter school to limit the enrollment process to students who meet reasonable academic standards as established by the school. The bill clarifies that the admission and dismissal procedures specified in a school's charter may allow for dismissal based on a student's academic performance if academic performance was identified in the school's enrollment process.

The bill amends the provision of student achievement for charter school capital outlay funding eligibility. Under the bill, a charter school that meets the eligibility requirements under the law will be eligible for charter capital outlay funding, so long as the school has not earned two consecutive grades of "F", three consecutive grades below a "C", or two consecutive school improvement ratings of "Unsatisfactory".

Nationally Recognized High School Assessments

Present Situation

In 2021, the Legislature enacted a law requiring each school district, subject to an appropriation, to select either the SAT or ACT for administration to all grade 11 students, including students attending

²²⁵ Rule 6A-2.0020(4), F.A.C.

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ Rule 6A-2.0020(4)(a)-(b), F.A.C.

²²⁹ Section 1013.62(4)(a)-(i), F.S.

public high schools, alternative high schools, and Department of Juvenile Justice education programs.²³⁰ Priority funding is given to students on the direct certification list or if the student's household income level does not exceed 185 percent of the federal poverty level.²³¹

For the past two years, the Legislature has appropriated each year \$8 million to fund either the SAT or ACT administration for all grade 11 students.²³²

Effect of the Bill

The bill expands eligible nationally recognized high school assessments that may be administered by school districts to students in 11th grade, to include the CLT.

The Florida Partnership for Minority and Underrepresented Student Achievement

Present Situation

In 2004, the Legislature passed the Florida Partnership for Minority and Underrepresented Student Achievement (partnership) Act²³³ recognizing the importance of not only access to college but also success in college for all students. The intent of the partnership was to ensure that every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a particular focus on access to advanced courses, with a particular focus on minority students and students who are underrepresented in postsecondary education.²³⁴ The DOE may contract for operation of the partnership.²³⁵

In order to prepare, inspire and connect students to postsecondary success and opportunity, public high schools must provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or the PreACT to all enrolled 10th grade students. However, a written notice must be provided to each parent which must include the opportunity to exempt his or her child from taking the PSAT/NMSQT or the PreACT.²³⁶ Test results from these assessments are used by certified school counselors to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

The partnership is responsible for:

- Providing teacher training and professional development on AP or other advanced courses.
- Providing to middle school teachers and administrators professional development to prepare students to enter high school ready to participate in advanced courses.
- Providing teacher training and materials that are aligned with the state standards and are consistent with best theory and practice regarding multiple learning styles and research on learning, instructional strategies, instructional design, and classroom assessment.
- Providing assessment of individual strengths and weaknesses as related to potential success in AP or other advanced courses and readiness for college.
- Providing college entrance exam preparation.
- Considering ways to incorporate FCS institutions in the mission of preparing all students for postsecondary success.

²³⁰ Chapter 2021-157, L.O.F. The ACT and SAT are two of several entrance exams used by colleges and universities to make admissions decisions.

²³¹ Specific Appropriation 135, Ch. 2022-156. L.O.F.

²³² *Id.* Specific Appropriation 135, Ch. 2021-157, L.O.F.

²³³ Ch. 2004-63, L.O.F.

²³⁴ Section 1007.35(2)(b), F.S.; See Florida Department of Education, *Annual Evaluation Report for Florida Partnership 2021-2022* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/19912/urlt/FLPA ER2122.pdf>.

²³⁵ Section 1007.35(3), F.S.

²³⁶ Section 1007.35(4) and (5), F.S. Public school districts must choose either the PSAT/NMSQT or the PreACT for districtwide administration. Funding for the PSAT/NMSQT or the PreACT for all 10th grade students is contingent upon annual funding in the General Appropriations Act. *Id.*

- Providing a plan for communication and coordination of efforts with the Florida Virtual School's provision of online AP or other advanced courses.
- Working with school districts to identify minority and underrepresented students for participation in AP or other advanced courses.
- Working with school districts to provide information to students and parents that explains available opportunities for students to take AP and other advanced courses and that explains enrollment procedures that students must follow to enroll in such courses.
- Providing information to students, parents, teachers, counselors, administrators, districts, FCS institutions, and state universities regarding PSAT/NMSQT or the PreACT administration.
- Cooperating with the DOE to provide information to administrators, teachers, and counselors, whenever possible, about partnership activities, opportunities, and priorities.

Effect of the Bill

The bill requires the SBE and the BOG to identify colleges and universities to develop and provide teacher training and professional development for advanced courses in order to prepare students for success on advanced course assessments that lead to postsecondary credit and mastery of postsecondary general education core courses.

Florida Bright Futures Scholarship Program

Present Situation

Bright Futures Eligibility

The Florida Bright Futures Scholarship Program is a lottery-funded scholarship program for Florida high school graduates who merit high academic achievement and enroll in a degree, certificate, or applied technology program at an eligible Florida public or private postsecondary education institution.²³⁷ There are four awards through the Florida Bright Futures Scholarship program, including the Florida Academic Scholarship (FAS), the Florida Medallion Scholarship (FMS), the Florida Gold Seal CAPE Scholarship, and the Florida Gold Seal Vocational Scholarship.²³⁸

Florida high school students who wish to qualify for the FAS award or the FMS award must meet the following initial eligibility requirements:

- graduate high school from a Florida public high school with a standard Florida high school diploma, graduate from a registered Florida DOE private high school, earn a GED, complete a home education program, or graduate from a non-Florida high school if specific conditions are met;
- complete the required high school coursework;
- achieve the required minimum high school grade point average (GPA);
- achieve the required minimum score on either the ACT or SAT college entrance exam by June 30 of high school graduation year;²³⁹
- complete the required number of volunteer service or 100 paid work hours; and
- submit a Florida Financial Aid Application no later than August 31 after high school graduation.²⁴⁰

²³⁷ Section 1009.53(1), F.S.

²³⁸ Section 1009.53(2), F.S.

²³⁹ To ensure that the required examination scores represent top student performance and are equivalent across assessments, the DOE is responsible for developing a method for determining the required examination scores. Section 1009.531(6)(c), F.S.

²⁴⁰ Florida Student Financial Aid, *Florida Bright Futures Student Handbook* (2022), at 3, available at <https://www.floridastudentfinancialaids.org/PDF/BFHandbookChapter1.pdf>.

For the purposes of calculating the grade point average to be used in determining initial eligibility for a Bright Futures Scholarship, the DOE assigns additional weights to grades earned in the following courses:

- Courses identified in the course code directory as AP, pre-IB, IB, International General Certificate of Secondary Education, or AICE.
- Courses designated as dual enrollment courses in the statewide course numbering system.²⁴¹

Type of Award	High School Weighted Bright Futures GPA	College Entrance Exams by High School Graduation Year (ACT/SAT) ²⁴²
Florida Academic Scholars	3.50 ²⁴³	2022-23 Graduates 29/1330
		2023-24 Graduates 29/1340
Florida Medallion Scholars	3.00 ²⁴⁴	2022-23 Graduates 25/1210
		2023-24 Graduates 25/1210

The DOE is required to develop a method for determining the required examination scores students must earn on college entrance exams and ensure the scores are equivalent between the SAT and ACT. The ACT scores are made concordant to the required SAT scores using the latest published national concordance table developed jointly by the College Board and ACT, Inc.²⁴⁵

The minimum required SAT score for FAS is set at the 89th national percentile, and the minimum required SAT score for FMS is set at the 75th national percentile. The minimum ACT scores are concordant to the bottom of the SAT score ranges for FAS and FMS eligibility, respectively.²⁴⁶

The SAT registration fee is \$60.²⁴⁷ The cost to take ACT-no writing is \$66, and ACT-with writing is \$91.²⁴⁸

In the 2021-22 academic year, 119,837 students received a disbursement from the Florida Bright Futures Scholarship and disbursements totaled \$604,682,656.²⁴⁹

Student Volunteer Requirements for the Florida Bright Futures Scholarship Program

Each award from the Bright Futures Scholarship Program requires a student to complete a specified number of hours of volunteer service work to be eligible to receive a scholarship award. A student must meet the following service requirements:

²⁴¹ Section 1009.531(3), F.S. The DOE may assign additional weights to courses, not to exceed 0.5 additional weight per course, to courses identified as containing rigorous academic curriculum and performance standards. (Flush-left provision at end of paragraph).

²⁴² The ACT and SAT are two of several entrance exams used by colleges and universities to make admissions decisions.

²⁴³ Section 1009.534(1)(a), F.S.

²⁴⁴ Section 1009.535(1)(a), F.S.

²⁴⁵ Section 1009.531(6), F.S.

²⁴⁶ *Id.*

²⁴⁷ The College Board, SAT Suite of Assessments, *Test Fees*, <https://satsuite.collegeboard.org/sat/registration/fees-refunds/test-fees> (last visited Apr. 25, 2023).

²⁴⁸ ACT, *Current ACT Fees and Services*, <https://www.act.org/content/act/en/products-and-services/the-act/registration/fees.html> (last visited Apr. 25, 2023).

²⁴⁹ Florida Student Financial Aid, *Florida Bright Futures Student Counts and Total Costs, Report A*, available at <https://www.floridastudentfinancialaids.org/PDF/PSI/BFReportsA.pdf>.

Bright Futures Scholarship Program	Required Service Hours ²⁵⁰
FAS	100 volunteer or paid work hours
FMS	75 volunteer hours or 100 paid work hours
FGSV	30 volunteer hours or 100 hours of paid work
FGSC	30 volunteer hours or 100 hours of paid work

The student's volunteer service work or paid work must be approved by the district school board, the administrators of a nonpublic school, or the DOE for home education students.²⁵¹

Each district school board and the administrators of a nonpublic school must establish approved activities and the process for documentation of service hours, including the deadline by which the hours must be completed.²⁵² Service work may include, but is not limited to, a business or governmental internship, work for a nonprofit community service organization, or activities on behalf of a candidate for public office.²⁵³

The hours earned by a student must be documented in writing, signed by the student and the student's parent or guardian, and a representative of the organization where the work was performed. In addition to the service hours, a student must identify a social or civic issue or a professional area that interests him or her, develop a plan for their personal involvement in addressing the issue or learning more about the area, and, through papers or presentations, evaluate and reflect upon his or her experience.²⁵⁴

Classic Learning Test

The Classic Learning Test (CLT) is a college entrance exam that offers assessments that evaluate English, grammar, and mathematical skills, providing a comprehensive measure of achievement and aptitude. The CLT exams emphasize foundational critical thinking skills and are accessible to students from a variety of educational backgrounds. The "classic" in Classic Learning Test refers to the use of classic literature and historical texts for the reading selections on the exams.²⁵⁵

The CLT uses a number system called a scaled score with a scale that ranges from 0 to 120. Each of three sections (Verbal Reasoning, Grammar/Writing, and Quantitative Reasoning) are scored out of 40. The cost to take the CLT is \$54.²⁵⁶

Florida postsecondary institutions that accept the CLT as a college entrance exam include: Reformation Bible college, Pensacola Christian college, Trinity Baptist College, Ave Maria University, Florida College, Stetson University, Saint Leo University, Trinity College of Florida, Palm Beach Atlantic University, Warner University, and Southeastern University.²⁵⁷

Effect of the Bill

²⁵⁰ Sections 1009.534(1), 1009.535(1), 1009.536(1)(e), F.S.

²⁵¹ *Id.*

²⁵² 2021-22 Bright Futures Student Handbook, *Chapter 1: Initial Eligibility Requirements* (Aug. 5, 2021), at 4 and 6-7, available at <https://www.floridastudentfinancialaids.org/PDF/BFHandbookChapter1.pdf>.

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ CLT, *What is the Classic Learning Test (CLT)?*, <https://www.cltexam.com/> (last visited Apr. 25, 2023).

²⁵⁶ CLT, *Frequently Asked Questions*, <https://www.cltexam.com/faqs/> (last visited Apr. 25, 2023).

²⁵⁷ CLT, *Find a Partner College - FL*, <https://www.cltexam.com/colleges/> (last visited Apr. 25, 2023).

The bill expands eligible assessments students may take to earn a FAS Award and a FMS award, under the Bright Futures Scholarship Program, by adding the CLT.

The bill expands upon the courses eligible to be assigned additional weight for the purposes of calculating the grade point average for Florida Bright Futures eligibility to include advanced courses.

The bill requires the ACT and CLT scores be made concordant to the required SAT scores, using the latest published national concordance table developed jointly by the College Board, ACT, Inc., and Classical Learning Initiatives.

The bill changes the volunteer and work requirements for the Bright Futures Scholarship Program to include volunteer service, paid work, or a combination for FAS, FMS, FGSV, and FGSC. Eligible paid work completed on or after June 27, 2022 must be included in a student's total number of required paid work hours. Furthermore, the bill provides retroactive authority for students to include paid work completed on or after June 27, 2022 in the student's total of required paid work hours.

Traditional and Year-Round School Schedules

Present Situation

In Florida, district school boards are responsible for the operation of all public schools for a minimum of 180 days or the hourly equivalent.²⁵⁸ Boards are responsible for the opening and closing of public schools and may not have an opening date earlier than August 10 of each year.²⁵⁹

In addition to a traditional 180-day schedule, Florida law authorizes a school to operate a year-round schedule.²⁶⁰ Year-round schools have educational opportunities over an eleven- or twelve-month period, with shorter, staggered vacation periods, as opposed to traditional schedules having educational opportunities over an eight or nine consecutive month period with consecutive months for vacation.²⁶¹

For the 2021-2022 school year, 16 public schools in 10 school districts participated in a year-round school schedule.²⁶²

Florida's School Funding

²⁵⁸ Section 1001.42(12)(a), F.S. Hourly equivalent equates to 900 hours for students in grades 4 through 12 and 720 hours for students in kindergarten through grade 3. Section 1011.61(1)(a)1., F.S. Florida law does not require a minimum number of hours or minutes per school day.

²⁵⁹ Section 1001.42(4)(f), F.S.

²⁶⁰ Section 1011.62(1)(q), F.S.

²⁶¹ Florida Department of Education, Automated Student Information System Student Data Elements (2019-20), available at <https://www.fldoe.org/core/fileparse.php/18758/urlt/1920-196225.pdf>.

²⁶² Email from Cory Dowd, Legislative Affairs Director, Florida Department of Education, RE: Year Round Schools (Mar. 8, 2023).

The Florida Education Finance Program (FEFP) provides funding for a 180-day regular school year, or the hourly equivalent of 180 days.²⁶³ Under the FEFP, financial support for education is based on the full-time equivalent (FTE)²⁶⁴ student membership in public schools.²⁶⁵

School districts report student membership through a number of surveys periods. For FTE reporting, the survey periods cover the following time frames:²⁶⁶

- Survey Period 1 (July) covers the time period from the beginning of the fiscal year (July 1) to the beginning of the defined 180-day school year.
- Survey Period 2 (October) covers the first 90 days of the 180-day school year.
- Survey Period 3 (February) covers the second 90 days of the 180-day school year.
- Survey Period 4 (June) covers the period from the end of the 180-day school program to the end of the fiscal year (June 30).
- Survey Period 5 covers reporting of prior school year data for specified programs.

For schools following a traditional schedule, Surveys 2 and 3 cover the first and second 90 days of the 180-day school year.²⁶⁷

Year-round schools report the first 90 days of their 180-day school year in October and their second 90 days of their 180-day school year should be reported in the February survey.²⁶⁸

Effect of the Bill

To study the issues, benefits, and schedule options for instituting a year-round school program for all students, the bill creates, beginning with the 2024-2025 school year, a year-round school pilot program. The program is established for a period of four years and requires the DOE to assist school districts in establishing a year-round school program within at least one elementary school in the district.

The bill allows school districts to apply to the DOE for participation in the pilot program, in a format and date determined by the DOE. The application to participate, as specified in the bill, must include:

- The number of students enrolled in the elementary school or schools that will implement a year-round school program.
- The academic performance of the students enrolled in such school or schools.
- The rate of absenteeism and tardiness of students enrolled in such school or schools.
- The commitment of such school's or schools' instructional personnel and students to the year-round program.
- An explanation of how the implementation of the year-round school program will benefit the students.

²⁶³ Florida Department of Education, *Full-Time Equivalent (FTE) General Instructions 2022-2023* (2022), at 7, available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf>. Exceptions include the Department of Juvenile Justice programs; Juveniles Incompetent to Proceed programs; the Florida Virtual School; and Virtual instruction programs; and virtual charter schools for the purpose of course completion and credit recovery.

²⁶⁴ Section 1011.62(1)(i)1., F.S. A “full-time student” is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. A full-time equivalent student in a virtual instruction program, virtual charter school, or FLVS consists of 6 full-credit completions or the prescribed level of content that counts toward promotion to the next grade. Credit completions may be a combination of full-credit courses and half-credit courses.

²⁶⁵ *Id.*

²⁶⁶ Florida Department of Education, *Full-Time Equivalent (FTE) General Instructions 2022-2023* (2022), at 9, available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf>.

²⁶⁷ *Id.* at 67.

²⁶⁸ *Id.* at 68.

The bill requires the Commissioner of Education (commissioner) to select five school districts to participate in the pilot program. The selected schools, to the extent possible, should represent a variety of demographics, including, but not limited to, an urban, a suburban, and a rural school district.

A school district enrolled in a year-round school program must implement a single or multi-tract schedule and provide data to the DOE which allows for:

- The assessment of the academic and safety benefits associated with establishing a year-round school program.
- The evaluation of any protentional barriers for a school district upon implementation of a year-round school program, including:
 - Issues related to the commitment of instructional personnel and students.
 - The provision of services during the summer months.
 - School district budgeting.
 - Parental engagement and participation.
 - Coordination with community services.
 - Student assessment and progression practices.
 - Student transportation.
- Consideration of strategies for addressing potential barriers.

Upon completion of the program, the commissioner must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include:

- The number of students enrolled at participating schools.
- The number of students enrolled at participating schools before and after the implementation of the year-round school program.
- Any health, academic, and safety benefits for students or instructional personnel from the implementation of the year-round school program.
- An evaluation of any potential barriers for school districts and families associated with a year-round school program.
- The commissioner's recommendation on the adoption of year-round school programs for all students.

The bill authorizes the SBE to adopt rules to administer the program.

Commission for Independent Education

Present Situation

The Commission for Independent Education (commission), within the DOE, is responsible for exercising independently all powers, duties, and functions relating to independent postsecondary educational institutions in consumer protection, program improvement, and licensure for institutions under its purview.²⁶⁹ An independent postsecondary institution means “any postsecondary educational institution that operates in the state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.”²⁷⁰

The commission is comprised of seven members:²⁷¹

- two representatives of independent colleges or universities licensed by the commission;
- two representatives of independent, nondegree-granting schools licensed by the commission;
- one member from a public school district or FCS institution who is an administrator of career education;

²⁶⁹ Section 1005.21(2), F.S.

²⁷⁰ Section 1005.02(11), F.S.

²⁷¹ Section 1005.21(2), F.S.

- one representative of a religious postsecondary institution not subject to oversight by the commission²⁷²; and
- one lay member who is not affiliated with an independent postsecondary educational institution.

Commission members are appointed to three-year terms by the Governor and are subject to confirmation by the Senate.²⁷³ The commission is required to meet at least four times each fiscal year.²⁷⁴

The powers and duties of the commission include:²⁷⁵

- holding meetings as necessary to administer its duties;
- annually selecting a chairperson and vice chairperson, appointing and reviewing an executive director, and authorizing the executive director to appoint employees of the commission;
- adopting and using an official seal in the authentication of its acts;
- making rules for its own governance;²⁷⁶
- maintaining a record of its proceedings;
- cooperating with other state and federal agencies and other nongovernmental agencies in administering its duties;
- providing cause to investigate criminal justice information for each owner, administrator, and agent employed by an institution applying for licensure from the commission;
- serving as a central agency for collecting and distributing current information regarding institutions licensed by the commission;
- informing independent postsecondary educational institutions of laws adopted by the Legislature and rules adopted by the SBE and the commission and of their responsibility to follow those laws and rules;
- establishing and publicizing the procedures for receiving and responding to complaints from students, faculty, and others concerning institutions or programs under the purview of the commission, and keeping records of such complaints in order to determine the frequency and nature of complaints with respect to the specific institutions of higher education;
- providing annually to the Office of Student Financial Aid Assistance of the DOE information and documentation that can be used to determine an institutions eligibility to participate in state student financial assistance programs;
- coordinating and conveying annual reports to the commissioner relating to campus crime statistics, assessment of physical plant safety, and the antihazing policies of nonpublic postsecondary educational institutions eligible to receive state-funded student assistance;
- identifying and reporting to the Office of Student Financial Aid Assistance the accrediting associations recognized by the United States DOE which have standards that are comparable to the minimum standards required to operate an institution at that level in this state; and
- assuring that an institution is not required to operate without a current license because of the schedule of commission meetings or application procedures, if the institution has met the commission's requirements for licensure or license renewal.

In addition, the commission has administrative powers and responsibilities, which include:²⁷⁷

- adopting rules for the operation and establishment of independent postsecondary educational institutions and submitting rules to the SBE for approval;
- submitting an annual budget to the SBE;
- transmitting all fees, donations, and other monies to the Institutional Assessment Trust Fund; and

²⁷² Section 1005.06(1)(f), F.S.

²⁷³ Section 1005.21(2), F.S.

²⁷⁴ Section 1005.21(4), F.S.

²⁷⁵ Section 1005.22(1)(f)-(o), F.S.

²⁷⁶ Section 1005.22(1)(a)-(d), F.S.

²⁷⁷ Section 1005.22(1)(e), F.S.

- expending funds as necessary to assist in the application and enforcement of all powers and duties.

The Chief Financial Officer is required to pay out all moneys and funds as directed upon vouchers approved by the DOE for all lawful purposes necessary to the commission's administration. The commission is required to make annual reports to the SBE showing in detail amounts received and all expenditures. The commission must include in its annual report to the SBE a statement of its major activities during the period covered by the report.²⁷⁸

Effect of the Bill

The bill expands the commission's powers and duties to include the authority to examine and investigate the affairs of every person, entity, or independent postsecondary institution within its respective regulatory jurisdiction, in order to determine whether the person, entity, or independent postsecondary institution is operating in accordance with the law or has been or is engaged in any unfair or deceptive act or practice prohibited by the fair consumer practices section of law.

Fair Consumer Practices

Present Situation

Annually, private, not-for-profit postsecondary institutions located and chartered in the state of Florida, which are exempt from licensure, collect and disclose information relating to fair consumer practices. The institutional requirements relating to fair consumer practices include:²⁷⁹

- disclosing to each prospective student a statement of purpose that includes educational programs and curricula, a description of the physical facilities, licensure status, and fee schedule and related policies at least one week prior to enrollment or collection of tuition;
- assessing, prior to accepting a student, the student's ability to complete a course of study successfully;
- accurately informing each student about financial assistance and obligations for repayment of loans, describing any employment placement services available, and refraining from promising or implying guaranteed placement, market availability or salary amounts;
- providing prospective and enrolled students accurate information regarding the relationship of its programs to state licensure requirements for practicing related occupations and professions in Florida;
- ensuring all advertisements are accurate and not misleading;
- publishing and following an equitable prorated refund policy for all students and following both the federal guidelines regarding the receipt of federal financial assistance and commission rule regarding minimum refund guidelines;
- following the requirements of state and federal laws requiring annual reporting of crime statistics and physical plant safety; and
- publishing and following procedures for handling student complaints, disciplinary actions and appeals.

In addition, institutions that are required to be licensed by the commission must disclose to prospective students that additional information regarding the institution may be obtained by contacting the commission.²⁸⁰

Effect of the Bill

²⁷⁸ Section 1005.22(1)(e)4., F.S.

²⁷⁹ Section 1005.04(1), F.S.

²⁸⁰ Section 1005.04(2), F.S.

The bill expands upon the provisions of fair consumer practices to include that prior to enrollment, every institution that is under the jurisdiction of the commission as well as those expressly exempt from the jurisdiction of the commission that directly or indirectly solicits enrollment must provide a written disclosure to a student or prospective student, that includes: all fees and costs that will be incurred by a student; the institution's refund policy; any exit examination requirements; and the grade point average required for completion of the student's program or degree. The disclosure must include a statement regarding the scope of accreditation, if applicable. The commission is required to prescribe the format that institutions must use to disclose the required information.

The bill requires, in any application for licensure, the person, entity, or institution asserting compliance to bear the burden of demonstrating compliance with fair consumer practices. The commission is responsible for determining compliance with fair consumer practices. The commission has the authority to request additional evidence and conduct further investigations, in addition to any information submitted, as the commission deems necessary.

Licensure of Institutions

Present Situation

All postsecondary institutions under the jurisdiction or purview of the commission must obtain licensure from the commission in order to operate in the state of Florida.²⁸¹ The commission is responsible for developing minimum standards by which to evaluate institutions for licensure. These standards must include, at least, the institution's name, financial stability, purpose, administrative organization, admissions and recruitment, educational programs and curricula, retention, completion, career placement, faculty, learning resources, student personnel services, physical plant and facilities, publications and disclosure statements about the status of the institution with respect to professional certification and licensure.²⁸²

Approved-applicant status may be extended to all institutions that have submitted a complete application for provisional licensure and paid all attendant fees. Institutions granted approved-applicant status may not advertise, offer programs of study, collect tuition or fees, or engage in any other activities not specifically approved by the commission.²⁸³

When the commission determines that an applicant for initial licensure is in substantial compliance with the licensure standards, provisional licensure is granted for a period not to exceed one year. A provisional license issued for initial licensure may be extended for up to one year. A licensed institution that has undergone a substantive change, as defined by rule, must be granted a provisional license for a set period of time, after which the institution may apply for a different status. A provisional license may include commission-mandated conditions, and all conditions must be met before the institution can be granted a different licensure status.²⁸⁴

The commission must ensure, through an investigative process, that applicants for licensure meet the specified standards and may issue a licensure delay if this investigative process is not completed within the statutory limits of the Administrative Procedures Act.²⁸⁵ Agencies must provide notice of any apparent errors or omissions in an application for licensure within 30 days.²⁸⁶ The law also prohibits the denial of an application for failure to correct an error or omission if the appropriate 30 day notification is not provided.²⁸⁷ An application for a license must be approved or denied within 90 days after receipt of

²⁸¹ Sections 1005.31(1)(a) and 1005.06(1), F.S.

²⁸² Section 1005.31(2), F.S.

²⁸³ Section 1005.31(4), F.S.

²⁸⁴ Section 1005.31(5), F.S.

²⁸⁵ Section 1005.31(6), F.S.

²⁸⁶ Section 120.60, F.S.

²⁸⁷ *Id.*

a completed application.²⁸⁸ Through an investigation, the commission must ensure that applicants for licensure meet all standards. When the investigation is not completed within 90 days and the commission has reason to believe that the applicant does not meet licensure standards, the commission or the commission's executive director may issue a 90-day licensure delay, which must be in writing and sufficient to notify the applicant of the reason for the delay.²⁸⁹

An annual license must be granted to an institution holding a provisional license, or seeking a renewal of an annual license, upon demonstrating full compliance with licensure standards. An annual license may be extended for up to 1 year if the institution meets all requirements for an extension.²⁹⁰

An institution may not conduct a program unless specific authority is granted in its license. A license granted by the commission is not transferable to another institution or to another agent, and an institution's license does not transfer when the institution's ownership changes.²⁹¹ A licensed institution must notify the commission prior to a change of ownership or control.

An independent postsecondary educational institution or any person acting on behalf of such an institution may not publish any advertisement soliciting students or offering a credential before the institution is duly licensed by the commission or while the institution is under an injunction against operating, soliciting students, or offering an educational credential.²⁹²

Independent postsecondary educational institutions may apply for a license by means of accreditation from the commission if the institution:²⁹³

- has operated legally in the state for at least 5 consecutive years;
- holds institutional accreditation by an accrediting agency evaluated and approved by the commission as having standards substantially equivalent to the commission's licensure standards;
- has no unresolved complaints or actions in the past 12 months;
- meets minimum requirements for financial responsibility as determined by the commission; and
- is a Florida corporation.

An institution that is granted a license by means of accreditation is required to apply for and receive another level of licensure before the institution may offer courses or programs that exceed the scope of level of its accreditation.²⁹⁴ In addition, institutions granted a license by means of accreditation must comply with the standards of fair consumer practices as established in rule by the commission.²⁹⁵

A license by means of accreditation may be denied, placed on probation, or revoked for repeated failure to comply with the requirements in law. Revocation or denial of a license by means of accreditation requires that the institution must immediately obtain an annual license.²⁹⁶

Effect of the Bill

The bill expands the minimum standards by which the commission must evaluate institutions for licensure to include a retention and completion management plan. In addition, the standard relating to admissions and recruitment must include, but is not limited to, requirements for verification of high school graduation, high school equivalency, or qualifying scores on an ability-to-benefit test.

²⁸⁸ *Id.*

²⁸⁹ Section 1005.31(6), F.S.

²⁹⁰ Section 1005.31(7), F.S.

²⁹¹ Section 1005.31(8)-(9), F.S.

²⁹² Section 1005.31(10), F.S.

²⁹³ Section 1005.32(1)(a)-(e), F.S.

²⁹⁴ Section 1005.32(4), F.S.

²⁹⁵ Section 1005.32(5), F.S.

²⁹⁶ Section 1005.32(7), F.S.

Under the bill, the commission may require a licensed institution to submit a management plan, prohibit a licensed institution from enrolling new students in the institution or a program of the institution, or limit the number of students in a program at a licensed institution, based upon the following:

- the institution's performance on the licensure standards or established criteria;
- the placement of the institution or a program of the institution on probation or the imposition of other adverse actions by the commission, an accrediting agency, or other regulatory agency, including the United States DOE; or
- similar circumstances that leave the institution unable to meet the needs of students or prospective students.

The bill establishes accountability requirements for commission-licensed institutions. The commission must prepare an annual accountability report for the licensed institutions by June 30, 2024, and by April 15 of each year thereafter. At a minimum, the report must include graduation rates for all licensed institutions, as well as the number of graduates by program, retention rates, and placement rates.

Under the bill, by March 15, 2024, and by November 30 of each year thereafter, each licensed institution is required to provide data to the commission in the commission's prescribed format. Placement rates will be determined using a methodology approved by the commission. The commission is required to establish a common set of data definitions for institutional reporting purposes. When a licensed institution fails to timely submit required data to the commission, the commission will impose an administrative fine of not more than \$500. Administrative fines collected must be deposited into the Student Protection Fund.

Notwithstanding the provision in s. 1005.32(3), F.S., the bill provides the commission authority to require licensed institutions to provide institutional, graduate, and student data through reasonable data collection efforts as required or necessitated by statute or rule.

The bill provides the commission authority to establish performance benchmarks for the identification of high-performing licensed institutions in rule.

The bill specifies that all programs offered by a licensed institution must be disclosed to the commission, including, but not limited to:

- avocational programs;
- examination preparation programs;
- contract training programs;
- continuing education; or
- professional development programs.

The bill requires institutions to obtain accreditation before applying for commission approval to offer a precensure professional nursing program.

The bill requires the commission to adopt rules to implement accreditation requirements and programmatic approval.

Bleeding Control Kits

Present Situation

Bleeding control kits are medical kits designed to provide immediate first aid to control bleeding in case of an emergency situation such as mass casualty events, accidents, or other traumatic incidents. These kits contain various types of medical supplies such as tourniquets, hemostatic agents, compression

bandages, chest seals, and gloves, that are essential for stopping bleeding and potentially saving lives.²⁹⁷

In 2019, the American College of Surgeons (ACS)²⁹⁸ published a position paper recommending the implementation of bleeding control programs in schools, including the placement of bleeding control kits. The ACS position paper cites several incidents in schools where prompt bleeding control could have saved lives, and emphasizes the importance of bleeding control training for teachers, staff, and students.²⁹⁹

Furthermore, the Stop the Bleed campaign, launched by the White House in 2015,³⁰⁰ emphasizes the importance of immediate bleeding control in emergency situations and encourages the placement of bleeding control kits in schools, workplaces, and other public locations.³⁰¹ The campaign provides training and resources for individuals and organizations to learn how to respond to bleeding emergencies and implement bleeding control programs.

Effect of the Bill

For the 2023-2024 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the DOE to be used for the procurement of bleeding control kits for placement in public schools across the state.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

²⁹⁷ AED, *What's the Difference Between a First Aid Kit and Bleeding Control Kit?* <https://www.aed.com/blog/whats-the-difference-between-a-first-aid-kit-and-bleeding-control-kit/#:~:text=Bleeding%20control%20kits%20%E2%80%94%20also%20referred.to%20stop%20life%2Dthreatening%20bleeding> (last visited May 3, 2023).

²⁹⁸ American College of Surgeons, *Stop the Bleed*, <https://www.stopthebleed.org/> (last visited May 4, 2023).

²⁹⁹ American College of Surgeons, *American College of Surgeons Bleeding Control Legislative Toolkit* (2019), at 3, available at <https://www.facs.org/media/v3kbeg1z/bleeding-control-toolkit.pdf>.

³⁰⁰ The White House President Barack Obama, *Fact Sheet: Bystander: "Stop the Bleed" Broad Private Sector Support for Effort to Save Lives and Build Resilience*, <https://obamawhitehouse.archives.gov/the-press-office/2015/10/06/fact-sheet-bystander-stop-bleed-broad-private-sector-support-effort-save> (last visited May 4, 2023).

³⁰¹ Journal of Emergency Medical Services, *What the White House's Stop the Bleed Campaign Means for EMS*, <https://www.jems.com/patient-care/trauma/what-the-white-house-s-stop-the-bleed-campaign-means-for-ems/#:~:text=In%20October%202015%2C%20the%20White,to%20stop%20life%2Dthreatening%20bleeding> (last visited May 4, 2023).

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is a fiscal impact associated with the expansion of postsecondary credit pathways and incentives for school districts and teachers:

- The bill requires the DOE to identify FCS institutions and state universities to develop advanced secondary courses and provide teacher training for the instruction of these courses. The Fiscal Year 2023-2024 Conference Report on SB 2500 provides an appropriation of \$1,795,600 for this provision.
- The bill also authorizes the DOE to partner with a third-party assessment organization to develop assessments to measure the competencies of the advanced courses developed by the identified colleges and universities. The Fiscal Year 2023-2024 Conference Report on SB 2500 provides an appropriation of \$1 million for this provision.

The bill requires the DOE to provide a report to the Legislature on secondary acceleration mechanisms and how they align with postsecondary student success. The additional workload associated with this new report will be absorbed within existing resources.

The bill authorizes students to take the CLT to meet the initial eligibility requirements for the Bright Futures Scholarship Program. Students must earn a concordant score on this exam, and this exam has a price that is comparable with other exam options. Additionally, the bill provides students additional flexibility for earning volunteer or work hours for eligibility, allowing them to combine hours earned regardless of the which option was used to earn them. There is no estimated fiscal impact to the Bright Futures Scholarship Program as a result of these provisions.

There is an indeterminate fiscal impact on the DOE to oversee and implement the Year-round School Pilot Program; however, this fiscal impact can be absorbed within existing resources.

There is no fiscal impact on school districts who participate in the Year-round School Pilot Program if the year-round school schedule equals 180 days or the hourly equivalent of 180 days statutorily funded in the FEFP.

For those school districts that do not already provide instruction on the history of AAPIs, there may be an insignificant negative fiscal impact to include this instruction in the required curriculum.

There is no anticipated fiscal impact associated with “9/11 Heroes’ Day”. Providing instruction as required by the bill would not necessitate expenditure of funds because free resources are available for use. If districts choose to purchase additional instructional materials, funds received through the FEFP formula can be used.

For the 2023-2024 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the DOE to be used for the procurement of bleeding control kits for placement in public schools across the state.

For the 2023-2024 fiscal year, the sum of \$5.8 million in nonrecurring funds is appropriated from the General Revenue Fund to the DOE to be used for the competitive procurement of a statewide transparency tool to support the implementation of instructional and library materials requirements in accordance with chapters 2022-21, 2022-22, and 2022-72, Laws of Florida.