

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: CS/SB 986

INTRODUCER: Education Pre-K - 12 Committee and Senator Burgess

SUBJECT: Education

DATE: March 28, 2023

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|---------------|
| 1. | Sagues | Bouck | ED | Fav/CS |
| 2. | | | AED | |
| 3. | | | FP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 986 modifies provisions related to charter school enrollment preferences, charter school sponsors, and the Florida Teachers Classroom Supply Assistance Program. The bill authorizes a charter school to give enrollment preference to students who are the children of a school safety officer or officers assigned to the charter school, and adds accountability measures for charter school sponsors by requiring the:

- Sponsor to provide training to charter schools on systems the sponsor will require the charter school to use.
- Sponsor to annually provide a report to its charter schools and the Florida Department of Education on what services are being rendered from the sponsor's portion of the administrative fee.
- State Board of Education to adopt rules for a standard charter school monitoring tool.

In addition, the bill modifies the Florida Teachers Classroom Supply Assistance Program (Program) to support more classroom teachers by:

- Expanding the definition of a classroom teacher for purposes of the Program.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.

The bill takes effect on July 1, 2023.

II. Present Situation:

Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.¹ Forty-five states and the District of Columbia have enacted charter school laws as of January 2020.² Nationally, between the 2009-2010 and 2018-2019 school years, the percentage of all public schools that were charter schools increased from 5 to 8 percent, and the total number of charter schools increased from 5,000 to 7,400. The percentage of public school students nationwide attending charter schools increased from 3 to 7 percent between fall 2009 and fall 2018.³

All charter schools in Florida are public schools and are part of the state’s public education system.⁴ During the 2021-2022 school year, 361,939 students were enrolled in 703 charter schools in 47 districts.⁵ Seventy percent of the students attending charter schools in the 2021-2022 school year were minorities. Hispanic students comprised 45 percent of Florida’s charter school enrollment, and 19 percent were African-American students.⁶

Charter School Student Eligibility

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.⁷ Additionally, a charter school may give enrollment preference to the following student populations:⁸

- Siblings of current charter school students.
- Children of a charter school governing board member or employee.
- Children of employees of the business partner of a charter school-in-the-workplace⁹ or resident of the municipality in which such a charter is located.
- Children of residents of a municipality that operates a charter school-in-a-municipality.¹⁰

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Education Commission of the States, *50-State Comparison: Charter School Policies* <https://www.ecs.org/charter-school-policies/> (last visited Mar. 5, 2022).

³ National Center for Education Statistics, *Public Charter School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgb> (last visited Mar. 5, 2022).

⁴ Section 1002.33(1), F.S.

⁵ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

⁶ *Id.*

⁷ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 27, 2023). Section 1002.33(10), F.S.

⁸ *Id.*

⁹ Section 1002.33(15), F.S.

¹⁰ *Id.*

- Students who have successfully completed a voluntary prekindergarten¹¹ program provided by the charter school during the previous year.
- Children of an active-duty member of any branch of the US Armed Forces.
- Students who attended or are assigned to failing schools.¹²

Charter School Sponsors

A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.¹³ A state university may sponsor a charter school (charter lab school)¹⁴ and upon the approval by the State Board of Education (SBE), may sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.¹⁵ Additionally, Florida College System (FCS) institutions, upon the approval of the SBE, may sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certification to eligible charter school students.¹⁶

A charter school sponsor has several responsibilities, including:¹⁷

- Approving or denying charter school applications.
- Overseeing each sponsored school's progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state's education accountability system.
- Ensuring that the charter is innovative and consistent with state education goals.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

Administrative and Educational Services

A sponsor must provide administrative and educational services including contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services.¹⁸

A sponsor may withhold an administrative fee of up to five percent of each charter school's total operating funds for enrollment of up to and including:¹⁹

- 250 students in a charter school or virtual charter school.

¹¹ See Sections 1002.51-1002.79, F.S.

¹² Section 1002.38, F.S.

¹³ Section 1002.33(5)(a)1., F.S.

¹⁴ Section 1002.33(5)(a)2., F.S.

¹⁵ Section 1002.33(5)(a)3., F.S.

¹⁶ A charter school currently operated by an FCS institution is not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. Section 1002.33(5)(a)3.b., F.S. and Section 1002.34(3)(b), F.S.

¹⁷ Section 1002.33(5)(b), F.S.

¹⁸ Section 1002.33(20)(a)1., F.S.

¹⁹ Section 1002.33(20)(a)2., F.S.

- 500 students within a charter school system which meets specified conditions.²⁰

A sponsor may withhold an administrative fee of up to 2 percent of each charter school's total operating funds for enrollment of up to and including 250 students in a high performing charter school²¹ or 250 students in an exceptional student education center that meets specified requirements.²²

Safe-school Officers

For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent must partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the following options in to best meet the needs of the school district and charter schools:²³

- School Resource Officer.
- School Safety Officer.
- School Guardian.
- School Security Guard.

The Florida Teachers Classroom Supply Assistance Program

The Florida Teachers Classroom Supply Assistance Program (Program) provides funds for classroom teachers to purchase supplemental materials and supplies for public school students assigned to them.²⁴ Program funds are appropriated by the Legislature in the General Appropriations Act (GAA) and distributed by July 15 to each school district by the Commissioner of Education based on each district's unweighted full-time equivalent student enrollment.²⁵

School districts are required to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who will be employed by the district or a charter school in the district on September 1. A job-share classroom teacher²⁶ may receive a prorated share of the amount provided to a full-time classroom teacher. As of July 1, if a teacher is expected to be employed by a school district or a charter school in the district on September 1, the district school board and each charter school board may provide the teacher with the teacher's proportionate share of funds by August 1. If a teacher's expected employment is

²⁰ Section 1002.33(20)(a)2., F.S. The charter school system must include conversion charter schools and non-conversion charter schools, have all of its schools located in the same county, have a total enrollment exceeding the total enrollment of at least one school district in Florida, have the same governing board for all of its schools, and does not contract with a for-profit service provider for management of school operations.

²¹ Section 1002.331, F.S.

²² *Id.* and Section 1008.3415, F.S.

²³ Section 1006.12, F.S.

²⁴ Section 1012.71, F.S.

²⁵ Section 1012.71(2), F.S. Funds from the Program may not be used to purchase equipment. *Id.*

²⁶ Section 1012.71(3), F.S. A job-share classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

determined after July 1, the district school board and each charter school board must provide the teacher with the teacher's proportionate share of funds by September 30.²⁷

A teacher must acknowledge receipt of the funds and keep receipts for at least four years to show that funds were spent in accordance with Program requirements.²⁸ Any unused funds must be returned to the district school board at the end of the school year.²⁹

The 2022-2023 GAA appropriated \$54,143,275 to the Program.³⁰

III. Effect of Proposed Changes:

CS/SB 986 modifies provisions related to charter schools and the Florida Teachers Classroom Supply Assistance Program (Program).

Charter Schools

The bill modifies s. 1002.33, F.S., to authorize a charter school to give enrollment preference to students who are the children of a school safety officer or officers assigned to the charter school, and adds accountability measures for charter school sponsors by requiring the sponsor to:

- Provide training to charter schools on systems the sponsor will require the charter school to use.
- Annually provide a report to its charter schools on the services provided from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the FDOE annually by September 15.
- Require the State Board of Education to adopt rules for a standard monitoring tool.

The Florida Teachers Classroom Supply Assistance Program

The bill modifies s. 1012.71, F.S., to expand the reach of the Florida Teachers Classroom Supply Assistance Program (Program) by:

- Expanding the definition of a classroom teacher for purposes of the Program to include an administrator or a substitute teacher who is filling a vacancy in an identified teaching position on or before September 1 of each year and who holds a valid teaching certificate.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁷ Section 1012.71(3), F.S.

²⁸ Section 1012.71(4), F.S.

²⁹ *Id.* Funds that are returned to the district board shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored, as applicable.

³⁰ Specific Appropriation 5 and 86, s. 2, ch. 2022-156, Laws of Fla.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:**VIII. Statutes Affected:**

This bill substantially amends sections 1002.33 and 1012.71 of the Florida Statutes.

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

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

CS by Education PreK-12 on March 27, 2023:

The committee substitute removes from the bill the provisions that:

- Require the Florida Department of Education (DOE) to develop a standardized annual periodic review and evaluation form to meet the criteria of the charter contract and

replacing it with requiring the State Board of Education to adopt rules to implement a standard monitoring tool.

- Require the charter school sponsor to provide training to charter schools, to the same extent it provides training to its employees, and to notify charter schools of open vacancies for training in the district and allow them to participate, subject to financial penalties and replacing it with requiring a sponsor to provide training on systems the sponsor will require the charter school to use.
- Assess financial penalties associated with the report submitted to the DOE by the sponsor on what services are being rendered from the sponsor's portion of the administrative fee.
- Extend the validity period of a professional certificate from 5 years to 10 years, and removing general knowledge and subject area knowledge requirements for educators meeting specified training and evaluation criteria.
- Authorize an administrator or a substitute teacher acting dually as a classroom teacher to petition the DOE for a portion of the Florida Teachers Classroom Supply Assistance Program allocation.

In addition, the committee substitute adds children of a school safety officer or officers assigned to a charter school to receive enrollment preference at the charter school.

B. Amendments:

None.