

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: PCS/CS/SB 1220 (888996)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Education); Education Committee; and Senator Diaz

SUBJECT: Education

DATE: March 2, 2020

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	<u>Underhill</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 1220 provides additional educational and professional growth opportunities for students and teachers. The bill modifies provisions relating to educator preparation programs, subject area mastery for and renewal of educator certificates, the Education Practices Commission (EPC), and teacher professional development. Specifically, the bill:

- Modifies admissions, core curricula, and instructional requirements for initial teacher preparation (ITP) and educator preparation institute (EPI) programs by:
  - Changing that the grade point average and General Knowledge Test requirements currently required for admission to the ITP program are to be completed during the student's time in the program.
  - Modifying ITP program core curricula relating to reading instructional strategies and adding a new requirement for mental health strategies and support.
  - Requiring ITP and EPI programs to include the opportunity for students to complete an endorsement and to include specified instruction required for instructional personnel.
  - Modifying ITP and EPI continuing approval requirements to require that employer surveys include assessments of student proficiency.
- Modifies educator certification requirements to:
  - Authorize an additional option to demonstrate mastery of subject area competence to include a bachelor's degree in the subject area, with conditions.
  - Require that a teacher may earn inservice points only once during a certificate renewal period for training that is not related to student learning or professional growth.

- Modifies requirements relating to the EPC, including that:
  - The Commissioner of Education may select and remove the EPC executive director, and may establish the duties of the executive director.
- Modifies school district professional development (PD) systems and creates new PD opportunities by:
  - Requiring a district to calculate a proportional share of PD funds for each teacher, and specifies that each teacher may use up to 25 percent of that share for specified PD.
  - Requiring the DOE and school districts to create an annual and five-year model calendar of state-mandated PD.
  - Requiring the DOE to maintain a statewide registry of approved professional development providers.
  - Creating the Professional Development Choice Pilot Program, subject to appropriation, to allow a teacher to receive a grant of up to \$500 for PD aligned to standards.
  - Creating the Professional Education Excellence Resources (PEER) Pilot Program in Clay, Palm Beach, Pinellas, and Walton counties to allow a teacher extended time for PD, teacher collaboration, and teacher leadership opportunities. This program shall be implemented to the extent specifically funded and authorized by law.
- Modifies the eligibility requirements of the Family Empowerment Scholarship (FES) and the Florida Tax Credit (FTC) scholarship, and maximum annual growth in student participation for the FES, by:
  - Expanding FES eligibility to a student who received an FTC scholarship in the prior year and was in a public school the year prior to initial receipt of the FTC scholarship.
  - Aligning FES and FTC scholarship eligibility by allowing an FES student to participate in up to two courses from a virtual school, correspondence school, or distance learning program that receives state funding; and by providing that the FES is not subject to the maximum of one FTE for funding.
  - Providing that a student eligible for an FTC scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's income level.
  - Modifying the maximum annual growth in student participation in the FES to 1.0 percent of the state public school enrollment (rather than 0.25 percent) starting in the 2020-2021 school year.
- Modifies the charter school application process and enrollment limitations by:
  - Requiring a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
  - Modifying enrollment limitations to prioritize a developer and charitable foundation that perform specified actions.
- Requires school districts to provide for the administration of the SAT or ACT to all students in grade 11, beginning in the 2020-2021 school year; with funding as provided in the General Appropriations Act (GAA).
- Establishes a series of school district Full-Time Equivalent (FTE) student bonuses for completion of general education core courses with a grade of "B" or higher through dual enrollment, and completion of an associate degree through dual enrollment.
- Requires the Commissioner to submit a report by December 1, 2020, meeting specified requirements, to determine the feasibility of implementing a Pathways in Technology Early College High School (P-TECH), or similar program, in Florida.

The Department of Education may experience decreased revenue from the loss of subject area examination fees and may incur costs related to developing model professional development calendars and a statewide registry of approved professional development providers and activities.

Revising the increase for maximum student participation in the FES from 0.25 percent (roughly 7,000 students) to 1.0 percent (roughly 28,000 students) annually may increase the FTE and state funding for the FEFP. In addition, expanding the Florida Empowerment Scholarship (FES) eligibility by including FTC students who were public school students before they took an FTC scholarship may increase FTE and state funding needed for the FEFP. In addition, exempting the FES scholarship amount from the 1.0 FTE requirement also has the potential to increase the FTE and funding needed for the FEFP.

Beginning in the 2021-2022 fiscal year, the bill may reallocate funds within the Florida Education Finance Program (FEFP) to those school districts with relatively more students successfully completing dual enrollment coursework; however, no appropriation is required.

See Section V.

The bill takes effect on July 1, 2020, unless otherwise specified.

## **II. Present Situation:**

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

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

### **Educator Preparation Programs**

#### *Present Situation*

Public and private universities and colleges throughout the state offer Initial Teacher Preparation (ITP) Programs. Many of the Florida colleges and universities have state-approved Educator Preparation Institutes (EPIs) through which they deliver alternative certification programs for baccalaureate degree holders. In addition, the majority of Florida public school districts offer Professional Development Certification Programs.

#### Initial Teacher Preparation Programs

ITP programs prepare 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. There are currently 53 state-approved<sup>1</sup> ITP programs at Florida College System institutions, state universities, and independent colleges and universities,

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<sup>1</sup> Section 1004.04, F.S., and Rule 6A-5.066(2), F.A.C., detail criteria for state approval of ITP programs.

which typically culminate in a bachelor's or master's degree.<sup>2</sup> ITP program completers are eligible for a Florida Professional Educator's Certification upon program completion.<sup>3</sup>

In order to be admitted into an ITP program, a student must, at a minimum:<sup>4</sup>

- Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from an approved college or university.<sup>5</sup>
- Demonstrate mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an approved institution.<sup>6</sup>

Each ITP program may waive these admissions requirements for up to 10 percent of the students admitted, subject to requirements related to student success and state-level reporting.<sup>7</sup>

The State Board of Education (SBE) must adopt rules to establish uniform core curricula for each state-approved teacher preparation program.<sup>8</sup> These rules must include, at a minimum, the following:<sup>9</sup>

- The Florida Educator Accomplished Practices.<sup>10</sup>
- The use of state-adopted content standards to guide curricula and instruction.
- 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.
- Content literacy and mathematics practices.
- Strategies appropriate for the instruction of English language learners.
- Strategies appropriate for the instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- The use of character-based classroom management.

<sup>2</sup> Florida Department of Education, *State-Approved Educator Preparation Programs*, <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.html> (last visited Jan. 15, 2020). Thirty-three ITP programs are at public colleges and universities, and 20 ITP programs are at independent colleges and universities. *Id.*

<sup>3</sup> Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation/> (last visited Jan. 15, 2020), and Rule 6A-5.066(1)(p), F.A.C.

<sup>4</sup> Section 1004.04(3)(b), F.S.

<sup>5</sup> An approved institution is one that is accredited by a specified regional accrediting association or an accrediting agency approved by the United States Department of Education. A qualifying non-accredited institution is one that is identified as having a quality program resulting in a bachelor's degree or higher by criteria specified in SBE rule. Rule 6A-4.003, F.A.C.

<sup>6</sup> Rule 6A-4.003, *supra* note 5.

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

<sup>8</sup> Section 1004.04(2)(a), F.S.

<sup>9</sup> Section 1004.04(2)(b)1.-7., F.S.

<sup>10</sup> The Florida Educator Accomplished Practices are Florida's core standards for effective educators. The Accomplished Practices form the foundation for the state's teacher preparation programs, educator certification requirements and school district instructional personnel appraisal systems. The Accomplished Practices are based on three essential principles: (1) the effective educator creates a culture of high expectations for all students by promoting the importance of education and each student's capacity for academic achievement; (2) the effective educator demonstrates deep and comprehensive knowledge of the subject taught; and (3) the effective educator exemplifies the standards of the profession. Rule 6A-5.065, F.A.C.

Continued approval of a teacher preparation program is based upon evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.<sup>11</sup>

The criteria for continued approval must include evidence that the program candidate has met admission and core curricula requirements, evidence of performance in specified outcome measures, and:<sup>12</sup>

- Results of the program completers' survey measuring their satisfaction with preparation for the realities of the classroom.
- Results of the employers' survey measuring satisfaction with the program and the program's responsiveness to local school districts.

### Educator Preparation Institutes

EPIs are offered by approved postsecondary institutions<sup>13</sup> or qualified private providers to provide instruction for baccalaureate or higher degree holders who did not earn an education-related degree, resulting in qualification for a temporary teaching certificate.<sup>14</sup> DOE approval of a certification program requires the institute to provide evidence of the institute's capacity to implement a competency-based program that includes:<sup>15</sup>

- The core curricula areas that are required for ITP programs.
- An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification.
- Field experiences in specified settings appropriate to the certification subject area specified in the educational plan.

Each EPI must submit to the DOE annual performance evaluations 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 candidates. 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.<sup>16</sup>

### ***Effect of Proposed Changes***

The bill modifies s. 1004.04, F.S., relating to prerequisites for admission to, and uniform core curricula of, each state-approved teacher preparation program. The bill:

- Changes the admission requirements to an ITP program to specify that the grade point average and General Knowledge Test requirements are not required for admission, but instead are required to be completed during the student's time in the program. Accordingly,

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<sup>11</sup> Section 1004.04(4), F.S.

<sup>12</sup> Section 1004.04(4), F.S.

<sup>13</sup> Rule 6A-4.003, *supra* note 5.

<sup>14</sup> Section 1004.85, F.S. There are 23 public and private postsecondary institutions with state-approved EPI programs, and 1 private provider. Florida Department of Education, *State-Approved EPI Programs*, available at <http://www.fldoe.org/core/fileparse.php/7502/urlt/State-ApprovedEPIProgram.pdf>.

<sup>15</sup> Section 1004.85(3), F.S.

<sup>16</sup> Section 1004.085(5), F.S.

the bill removes provisions relating to waivers of admission requirements that are not necessary under the bill modifications.

- Modifies the requirement for SBE rules establishing uniform core curricula to require:
  - Reading instructional strategies be evidence based, and removes the requirement that such strategies be scientifically researched.
  - A new provision for mental health strategies and support.

Such changes may enable students who have not met the GPA or general knowledge requirement to be admitted into a program and meet the requirement while in the program. Completion of the General Knowledge Test has been a barrier to student admittance to ITP programs, and such changes may enable more students to be admitted into ITP programs and increase the supply of available teachers.

In addition, changes to the uniform core curricula are consistent with the current designation of reading strategies<sup>17</sup> and with the recent emphasis on school-based mental health supports for students and families.<sup>18</sup>

The bill modifies sections 1004.04, F.S., relating to ITP program initial state program approval, and 1004.85, F.S., relating to postsecondary EPIs, to require each program to include:

- The opportunity for the candidate to complete coursework toward obtaining an endorsement<sup>19</sup> in the candidate's chosen teaching field.
- In addition to the core standards for effective education, instruction in the training required of certified instructional personnel, including, but not limited to:
  - Identification, intervention, and prevention of child abuse, abandonment, and neglect.
  - Integration of technology into classroom teaching.
  - Management, assessment, and monitoring of student learning and performance.
  - Skills in classroom management, violence prevention, conflict resolution, and related areas.
  - Developmental disabilities.
  - Youth suicide awareness and prevention.
  - Youth mental health awareness and assistance.

<sup>17</sup> See s. 1001.215, F.S., and Rule 6A-6.053, F.A.C.

<sup>18</sup> Examples of recent activity related to school-based mental health services include: (1) the requirement in s. 1012.584, F.A.C., for the DOE to, beginning in the 2018-2019 school years, establish an evidence-based youth mental health awareness and assistance training program for school personnel; (2) the establishment of a Mental Health Allocation, with specified application requirements, that has allocated over \$144 million to school districts in Specific Appropriation, s. 36, ch. 2018-3, L.O.F., and Specific Appropriation 93, s. 2, ch. 2019-115, L.O.F.; (3) the 2019 requirement in SBE Rule 6A-1.094121, F.A.C., that all school districts annually provide a minimum of five hours of specified instruction regarding youth mental health awareness and assistance; and (4) specifying the purpose for and adding duties to the multiagency network for students with emotional and behavioral disabilities in s. 23, ch. 2018-3, L.O.F.

<sup>19</sup> Educators who hold a currently valid Florida Temporary or Professional Certificate may be eligible to add another subject coverage or endorsement. An endorsement is a rider on a Florida certificate with a full subject coverage and denotes a particular expertise in an instructional level or methodology. To earn an endorsement, an educator must complete the course requirements listed in State Board Rule for the endorsement, or complete a Florida school district's approved inservice add-on program for the endorsement. Florida Department of Education, *Certificate Additions*, <http://www.fldoe.org/teaching/certification/additions/> (last visited Jan. 21, 2020). Endorsements include, but are not limited to, American Sign Language, English for Speakers of Other Languages (ESOL), Gifted, Reading, and Severe or Profound Disabilities. Florida Department of Education, *Adding an Endorsement to a Professional Certificate*, <http://www.fldoe.org/teaching/certification/additions/adding-an-endorsement.stml> (last visited Jan. 21, 2020).

The bill also specifies that the survey required as a part of continued ITP program approval must include the employer's assessment of the student's proficiency in the use of state-adopted content standards and general preparation for the classroom. The survey required of the EPI performance evaluation satisfaction must measure student's proficiency in the use of state-adopted content standards.

The changes to ITP programs may help graduates be better prepared as instructional personnel and for the classroom.

## **Educator Certification Requirements**

### ***Present Situation***

The Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.<sup>20</sup>

### Types of Educator Certificates

In order to seek educator certification, a person must meet general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution.<sup>21</sup> Individuals must also demonstrate mastery of general knowledge, if the person serves as a classroom teacher; mastery of subject area knowledge; and mastery of professional preparation and education competence.<sup>22</sup>

The DOE issues two primary educator certificates:<sup>23</sup>

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.<sup>24</sup>
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who has met general eligibility criteria, but has not yet demonstrated mastery of general knowledge or professional preparation and education competence.<sup>25</sup>

### Mastery of General Knowledge

In order to seek professional certification as a classroom teacher,<sup>26</sup> a person must, among other requirements, demonstrate mastery of general knowledge.<sup>27</sup> Florida law provides options for a teacher to demonstrate mastery of general knowledge.<sup>28</sup> Such options include achieving passing

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<sup>20</sup> Section 1012.54, F.S.

<sup>21</sup> Section 1012.56(2)(c), F.S., and Rule 6A-4.003, *supra* note 5.

<sup>22</sup> Section 1012.56(2)(g)-(i), F.S.

<sup>23</sup> Section 1012.56(7), F.S.

<sup>24</sup> Section 1012.56(1)-(3) and (5), (6)-(7), F.S.

<sup>25</sup> Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

<sup>26</sup> Section 1012.01(2)(a), F.S.

<sup>27</sup> Section 1012.56(2), F.S.

<sup>28</sup> Section 1012.56(3), F.S.

scores on all sections of the general knowledge examination required by SBE rule,<sup>29</sup> holding a specified teaching certificate from another state, completing specified postsecondary teaching experience, or achieving passing scores on the Graduate Record Examination.

The General Knowledge Test is a component of the Florida Teacher Certification Examination<sup>30</sup> and includes subtests in English language skills, reading, writing, mathematics.<sup>31</sup> In 2018, there were 87,457 first-time and retake attempts, with a pass rate of 52 percent.<sup>32</sup> Among examinees in a state-approved teacher preparation program, there were 11,924 first-time and retake attempts, with a pass rate of 60 percent.<sup>33</sup>

### Mastery of Subject Area Knowledge

Acceptable means of demonstrating mastery of subject area knowledge are:<sup>34</sup>

- For bachelor's degree level subjects:<sup>35</sup> achievement of a passing score on the appropriate subject area examination<sup>36</sup> earned no more than 10 years prior to the date of application.<sup>37</sup>
- For master's degree level subjects:<sup>38</sup> completion of the required degree and content courses for the subject and achievement of a passing score on the appropriate Florida subject area examination earned no more than 10 years prior to the date of application.
- For all subject areas: hold a valid standard certificate in the subject area applied for from a state or territory, or hold a specified valid national certificate in the subject area.
- For select world languages: passage of a specified foreign language proficiency examination.

<sup>29</sup> In 2014, the general knowledge test was redeveloped to match the increased rigor of competencies and skills required for teacher certification. The SBE also approved new higher passing scores for the examination. These new passing scores for all subtests of the General Knowledge Test became effective January 1, 2015. State Board of Education, *Approval of Amendment to Rule 6A-4.0021, Florida Teacher Certification Examinations* (Nov. 18, 2014), available at <http://www.fldoe.org/core/fileparse.php/9931/urlt/0109031-40021.pdf>. The cut scores were set for a beginning effective teacher, one that is likely to have successful students in his or her classroom as opposed to the prior standard, which was minimum competency. State Board of Education, *Nov. 18, 2014 Meeting Minutes* (Jan. 14, 2015), available at <http://www.fldoe.org/core/fileparse.php/9971/urlt/minutes11415.pdf>, at 7.

<sup>30</sup> The purpose of the Florida Teacher Certification examinations (FTCE) is to ensure that all teacher candidates demonstrate the necessary content and pedagogical knowledge necessary to effectively instruct students in Florida. Florida Department of Education, *Florida Teacher Certification Examinations (FTCE)*, <http://fldoe.org/accountability/assessments/postsecondary-assessment/ftce/> (last visited Jan. 14, 2020). The written examinations includes subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. Rule 6A-4.0021(2), F.A.C.

<sup>31</sup> Rule 6A-4.0021, F.A.C.

<sup>32</sup> Florida Department of Education, *2018 Annual Administration and Technical Report* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/5627/urlt/18FTCEFELEAATR.PDF>, at 33.

<sup>33</sup> *Id.* at 73.

<sup>34</sup> Florida Department of Education, *Subject Area Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Jan. 14, 2020). See also s. 1012.56(5), F.S.

<sup>35</sup> All elementary, middle, and secondary coverage areas, including world languages and exceptional student education require a bachelor's degree. Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects> (last visited Jan. 14, 2020).

<sup>36</sup> The fee for a first time registration or retake of the full battery of subject area subtests is \$150. Retake fees are prorated based on the number of subtests required. Rule 6A-4.0021(4), F.A.C. For a subject without a subject area examination, the SBE may identify a passing score on a standardized examination or competency may be verified by a school district. Section 1012.56(5), F.S.

<sup>37</sup> Rule 6A-4.002(4)(a), F.A.C.

<sup>38</sup> Subject areas that require a master's degree include school counseling, psychologist, and social work; and administrative coverages. Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects> (last visited Jan. 14, 2020).



### Certificate Renewal

All professional certificates, except a nonrenewable professional certificate, must be renewed every five years.<sup>39</sup> In order to qualify for renewal, the applicant must earn at least six college credits<sup>40</sup> or 120 inservice (professional development) points<sup>41</sup> during the 5-year cycle.<sup>42</sup> For each area of specialization to be retained on a certificate, the applicant must earn at least three of the required credit hours or equivalent inservice points in the specialization area.<sup>43</sup>

Instructional personnel are required to undergo training related to teaching students with developmental disabilities<sup>44</sup> and training in youth mental health awareness and assistance.<sup>45</sup> In order to renew a professional certificate, other appropriate training topics include:<sup>46</sup>

- Youth suicide awareness and prevention.<sup>47</sup>
- Content or methods specific to the subject area.
- Methods of teaching reading and literacy skills acquisition.
- Computer literacy, computer applications, or computer education.
- ESOL (English for Speakers of Other Languages).
- Drug abuse, child abuse and neglect, or student dropout prevention.
- Classroom strategies.

### *Effect of Proposed Changes*

The bill modifies s. 1012.56, F.S., to add another acceptable method of demonstrating mastery of subject area knowledge. The bill authorizes that a person seeking an educator certificate in a subject requiring only a baccalaureate degree may demonstrate subject area knowledge with a baccalaureate degree with a major in the subject area, conferred within the last 10 years from an accredited or approved institution as defined in SBE rule.<sup>48</sup> The provision of an additional option to demonstrate mastery of subject area competence may allow more candidates for educator certification to meet the requirements. In 2018, there were 63,774 first time and retake subject area exams attempted,<sup>49</sup> but it is not clear how many such attempts were by individuals who

<sup>39</sup> Section 1012.585(2)(a), F.S.

<sup>40</sup> College credit earned at an accredited or approved institution or community or junior college as specified in rule 6A-4.003, F.A.C., may be used to renew the professional certificate. Rule 6A-4.0051, F.A.C.

<sup>41</sup> Inservice points earned through inservice education activities developed by the school district in accordance with rule 6A-5.071, F.A.C., may be used to renew the professional certificate. One clock hour of participation equals one inservice point. Twenty inservice points equal one semester hour of college credit. Rule 6A-4.0051, F.A.C.

<sup>42</sup> Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. Rule 6A-4.0051(1)(a)2., F.A.C. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.

<sup>43</sup> Section 1012.585(3)(a), F.S. A passing score on a subject area test in the certification area shown on the certificate may be used to renew the coverage on the professional certificate. Rule 6A-4.0051, F.A.C.

<sup>44</sup> Section 1012.582, F.S.

<sup>45</sup> Section 1012.584, F.S.

<sup>46</sup> Florida Department of Education, *Appropriate Topics for Renewal Credit*, <http://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited Jan. 20, 2020).

<sup>47</sup> Section 1012.583, F.S.

<sup>48</sup> Rule 6A-4.003, F.A.C., *supra* note 5.

<sup>49</sup> Florida Department of Education, *2018 Annual Administration and Technical Report* (June 2019), available at <http://www.fldoe.org/core/fileparse.php/5627/urlt/18FTCEFELEAATR.PDF>, at 40.

could otherwise qualify with a specified bachelor's degree under the additional option authorized in the bill.

The bill modifies s. 1012.585, F.S., relating to the renewal of a professional certificate, to specify that a teacher may earn inservice points only once during each 5-year validity period for any mandatory training topic that is not linked to student learning or professional growth. Teachers and school districts may have to modify professional development programs in order for teachers to meet certificate renewal requirements.

The bill also modifies s. 1012.586, F.S., to provide a conforming cross-reference relating to completion of a subject area examination for addition of subject coverage or an endorsement to an educator certificate.

## **Education Practices Commission**

### ***Present Situation***

Educator misconduct occurs in various forms and ranges in severity from allegations of direct harm to students (such as physical or sexual abuse) to an act detrimental to the education profession (such as falsifying documentation of continuing education courses or cheating on a professional exam).<sup>50</sup>

The SBE has adopted standards for educator conduct, referred to as the Principles of Professional Conduct for the Education Profession.<sup>51</sup> The Education Practices Commission (EPC or commission) interprets and applies the principles.<sup>52</sup> If the Commissioner of Education (commissioner) determines the educator's conduct warrants disciplinary action, the EPC determines what penalty to issue against an educator's certificate. Penalties that can be issued against an educator's certificate include a letter of reprimand, fines, probation, suspension or revocation.<sup>53</sup>

The EPC is composed of 25 members specified in law, who are appointed by the SBE based on nominations by the commissioner.<sup>54</sup> From among the commission members, the EPC elects a chair who presides over meetings and performs other duties as directed by the EPC or rules.<sup>55</sup> The EPC, by a vote of three-fourths of the membership, employs an executive director, who may be dismissed by a majority vote of the membership.<sup>56</sup>

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<sup>50</sup> Florida Department of Education, *What is Educator Misconduct?*, <http://www.fldoe.org/teaching/professional-practices/what-is-educator-misconducta.shtml> (last visited Jan 14, 2020). Section 1012.795, F.S., specifies the offenses for which the EPC may suspend or revoke an educator certificate.

<sup>51</sup> Section 1012.795(1)(j), F.S.; Rule 6A-10.081, F.A.C.

<sup>52</sup> Section 1012.79(7)(a), F.S.

<sup>53</sup> Florida Department of Education, *What is Educator Misconduct?*, <http://www.fldoe.org/teaching/professional-practices/what-is-educator-misconducta.shtml> (last visited Jan. 14, 2020), and s. 1012.79(7)(b), F.S.

<sup>54</sup> Section 1012.79(1), F.S.

<sup>55</sup> Section 1012.79(4), F.S.

<sup>56</sup> Section 1012.79(5), F.S.

The EPC is assigned to the DOE only for administrative purposes, and is not subject to control, supervision, or direction by the DOE.<sup>57</sup>

The EPC is financed from educator certification fees; fines, penalties, and costs collected pursuant to law;<sup>58</sup> and general revenue.<sup>59</sup> The EPC may make expenditures as necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding.<sup>60</sup>

### *Effect of Proposed Changes*

The bill amends s. 1012.79, F.S., to revise the selection and duties of the executive director of the EPC and to modify EPC accountability and allowable expenditures, which may increase collaboration between the DOE and the EPC, and may strengthen financial accountability of the EPC. Specifically, the bill:

- Removes from the EPC the authority to select and remove an executive director, and authorizes the commissioner, with the advice and consent of the EPC chair, to appoint and remove an executive director.
- Specifies that the executive director has administrative duties, as specified by the commissioner, and may not impact or influence decisions of the EPC.
- Specifies that the EPC is assigned to the DOE for not only administrative purposes, but also for fiscal accountability purposes.
- Removes the authorization for the EPC to make expenditures for a general counsel or access to counsel, and authorizes expenditures for legal services.

## **Professional Development**

### *Present Situation*

The purpose of professional development (PD) is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.<sup>61</sup>

### Professional Development System

Florida law requires the DOE, public postsecondary education institutions public school districts, state education foundations, consortia, and professional organizations to work collaboratively to establish a coordinated system of PD.<sup>62</sup> The PD system must align to the standards adopted by

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<sup>57</sup> Section 1012.79(6)(a), F.S.

<sup>58</sup> Section 1012.796(9), F.S.

<sup>59</sup> Section 1012.79(10), F.S.

<sup>60</sup> Section 1012.79(9), F.S.

<sup>61</sup> Section 1012.98(1), F.S.

<sup>62</sup> Section 1012.98(1), F.S. A developmental research school, an eligible state educational agency, an organization of private schools or a consortium of charter schools may also develop a PD system. Rule 6A-5.071(6), F.A.C. Florida law authorizes a network of PD academies that are operated in partnership with area business partners to develop and deliver high-quality training programs for school districts. Section 1012.985(1), F.S.

the state and support the framework for standards adopted by the National Staff Development Council.<sup>63</sup> The PD system must:<sup>64</sup>

- 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.
- Provide training to teacher mentors as part of professional development certification and education competency programs.

### Master Inservice Plans

District PD systems must include a master inservice plan (MIP) that identifies the educational training programs, called components of professional learning, that may generate inservice points toward recertification or add-on certification.<sup>65</sup> The MIP is also called the professional learning catalog.<sup>66</sup> Each district catalog must be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom.<sup>67</sup>

As a part of the MIPs, district school boards may develop add-on alternative teacher preparation programs to enable certified teachers to add an additional coverage to their certificates without having to take college courses. The program must be approved by the DOE.<sup>68</sup>

In addition, MIPs may include Professional Education Competency (PEC) programs to assist teachers with a temporary certificate in demonstrating professional preparation and education competence required for a professional certificate. Such PEC programs may be offered through school districts or private organizations. Each PEC program must be based on classroom

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<sup>63</sup> Section 1012.98(1), F.S. The system of professional development must align to the standards adopted by the SBE in Rule 6A-5.071, F.A.C., and support the framework for standards adopted by the National Staff Development Council, now known as "Learning Forward." Florida Department of Education, *District Professional Development Elements*, <http://www.fldoe.org/teaching/professional-dev/dis-professional-dev-elements.stml> (last visited Jan. 11, 2020). The Standards for Professional Learning outline the characteristics of professional learning that leads to effective teaching practices, supportive leadership, and improved student results. Learning Forward, *Standards for Professional Learning*, <https://learningforward.org/standards-for-professional-learning/> (last visited Jan. 22, 2020).

<sup>64</sup> Section 1012.98(3), F.S.

<sup>65</sup> Florida Department of Education, *Master Inservice Plans (MIP)*, <http://www.fldoe.org/teaching/professional-dev/master-inservice-plans-mip.stml> (last visited Jan. 22, 2020).

<sup>66</sup> Rule 6A-5.071(1), F.A.C. The professional learning catalog must be submitted to the department for initial approval by the Commissioner. Rule 6A-5.071 (6)(a), F.A.C.

<sup>67</sup> Section 1012.98(4)(b)5., F.S.

<sup>68</sup> Section 1012.575, F.S. The DOE has published a manual for development of district add-on certification programs. Florida Department of Education, *Manual for Development of District Add-on Certification Programs*, available at <http://www.fldoe.org/core/fileparse.php/5636/urlt/0072398-add-on-manual.pdf>. Approved district add-on program are located at <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.stml> (last visited Jan. 20, 2020).

application of the Florida Educator Accomplished Practices<sup>69</sup> and instructional performance and, for public schools, must be aligned with the district or state teacher evaluation system.<sup>70</sup>

### Individual Professional Development Plans

Each school principal may establish an individual professional development plan (IPDP) for each instructional employee as a seamless component to the school improvement plan. An IPDP must be related to specific student performance data, define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity, and include an evaluation component that determines the effectiveness of the PD plan.<sup>71</sup>

### DOE Responsibilities for Professional Development

In addition to approving school district PD systems,<sup>72</sup> the DOE is required to disseminate:

- Research-based professional development methods and programs that have demonstrated success in meeting identified student needs, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.<sup>73</sup>
- Research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system. The best practices must include data that indicate the progress of all students.<sup>74</sup>
- PD in the use of integrated digital instruction at schools that include middle grades. The professional development must provide training and materials that districts can use to provide instructional personnel with the necessary knowledge, skills, and strategies to effectively blend digital instruction into subject-matter curricula.<sup>75</sup>

### Mentor Teacher Programs

Alongside ensuring the most effective teachers are eligible for teacher leadership roles, one important component of PD at the state level is to build both monetary and non-monetary incentives and supports into teacher leadership policies. Incentives (such as additional compensation) and supports (such as reduced course loads) can help ensure that teacher leadership roles are both attractive and sustainable.<sup>76</sup>

In Florida, the DOE is required to create guidelines and identify best practices for the mentors of first-time teachers and for new teacher-support programs.<sup>77</sup> The DOE is required to disseminate to the school community proven model PD programs that have demonstrated success in

<sup>69</sup> Florida Educator Accomplished Practices, *supra* note 10.

<sup>70</sup> Section 1012.56(8)(b)1., F.S. Organizations approved to offer PEC programs are available at <http://www.fldoe.org/core/fileparse.php/5636/urlt/pecoci.pdf>.

<sup>71</sup> For instructional personnel and administrative personnel who have been evaluated as less than effective, a district school board shall require participation in specific professional development programs as provided in subparagraph (4)(b)5. as part of the improvement prescription. Section 1012.98(10), F.S.

<sup>72</sup> Section 1012.98(4)(b)1., F.S.

<sup>73</sup> Section 1012.98(4)(a)1., F.S.

<sup>74</sup> Section 1012.98(7)(a), F.S.

<sup>75</sup> Section 1012.98(7)(b), F.S.

<sup>76</sup> National Council on Teacher Quality, *NCTQ Databurst: Teacher Leadership Opportunities* (October 2019), available at [https://www.nctq.org/dmsView/NCTQ\\_Databurst\\_Teacher\\_Leadership\\_Opportunities](https://www.nctq.org/dmsView/NCTQ_Databurst_Teacher_Leadership_Opportunities), at 1.

<sup>77</sup> Section 1012.05(2)(k), F.S.

increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The PD programs must include a database of exemplary PD activities, a listing of available PD resources, training programs, and available technical assistance.<sup>78</sup>

### Professional Development Funding

The Every Student Succeeds Act (ESSA) of 2015<sup>79</sup> provides grants to state educational agencies and subgrants to local educational agencies to increase student achievement and improve the quality of teachers and school leaders.<sup>80</sup> Allowable expenses include teacher and school leader training, induction and mentoring, PD, and retention.<sup>81</sup>

For 2019-2020, school districts received \$97,203,418 in ESSA funds.<sup>82</sup> Amounts per district ranged from \$4,389 for the FAMU Developmental Research School and \$9,087 for Liberty County to \$8,954,195 for Broward County and \$12,911,792 for Miami-Dade County.<sup>83</sup>

Current state funding<sup>84</sup> for administrator and teacher professional development includes:

- \$7,000,000 for administrator professional development provided by regional professional development academies.<sup>85</sup>
- \$10,000,000 for computer science certification and teacher bonuses.<sup>86</sup>
- \$5,500,000 for mental health awareness and assistance training.<sup>87</sup>
- A percentage of the Florida Education Finance Program base student allocation per full-time equivalent student or other funds must be expended for educational training programs, as determined by the district school board.<sup>88</sup>

Each district school board is required to fund its PD system, and must direct expenditures from other funding sources to continuously strengthen the system in order to increase student achievement and support instructional staff in enhancing rigor and relevance in the classroom.<sup>89</sup>

<sup>78</sup> Section 1012.98(11), F.S.

<sup>79</sup> Pub. L. No. 114-95 s. 114 Stat. 1177 (2015-2016).

<sup>80</sup> United States Department of Education, *Title II — Preparing, Training, and Recruiting High Quality Teachers and Principals*, <https://www2.ed.gov/policy/elsec/leg/esea02/pg20.html> (last visited Jan. 21, 2020).

<sup>81</sup> Florida Department of Education, *Authorized Use of Funds under ESSA – Title II, Part A*, available at <http://www.fldoe.org/core/fileparse.php/5636/urlt/1718TitleIIPartAESSA.pdf>.

<sup>82</sup> Florida Department of Education, *Title II, Part A: Supporting Effective Instruction*, <http://www.fldoe.org/teaching/professional-dev/title-ii-a-teacher-principal-training-.stml> (last visited Jan. 20, 2020).

<sup>83</sup> Email from Mari Presley, Assistant Deputy Commissioner, Finance and Operations, Florida Department of Education (Aug. 6, 2019) (on file with the Senate Committee on Education).

<sup>84</sup> Specific Appropriation 108, s. 2, ch. 2019-115, L.O.F.

<sup>85</sup> *Id.*, see also 1012.985, F.S.

<sup>86</sup> Specific Appropriation 108, s. 2, ch. 2019-115, L.O.F. See also s. 1007.2616(4), F.S.

<sup>87</sup> Specific Appropriation 108, s. 2, ch. 2019-115, L.O.F. See also s. 1012.584, F.S.

<sup>88</sup> Section 1011.62(3), F.S.

<sup>89</sup> Section 1012.98(5), F.S.

### Issues in Professional Development

Providing teachers with data-driven feedback, aligned professional development and opportunities for advancement may help limit attrition, contribute to more effective teaching and improve student learning. However, national research shows that much of the professional development teachers currently receive does not improve either teacher or student performance. A 2016 national survey found that even though district and school leaders are committed to professional learning, teachers lack decision-making authority over their own professional development and are not receiving adequate time for job-embedded professional development.<sup>90</sup> In a recent PD redesign study, the University of Florida Lastinger Center found that:<sup>91</sup>

- Sixty-four percent of Florida teachers reported having little to no influence in determining the content of their in-service professional development programs.
- Teachers describe a serious disconnect between professional learning experiences and the real work of teachers.
- Only 26 percent of Florida teachers strongly agreed that their training helps them to do a better job.
- School districts spend as much as five percent of their budget on professional development and teachers may spend more than 70 hours a year participating in it, yet professional learning opportunities often receive low teacher ratings because of poor design and execution.

### ***Effect of Proposed Changes***

The bill modifies the requirements for school district professional development in s. 1012.98, F.S.

### Professional Development Funds

The bill requires each district school board to calculate a proportionate share of professional development funds for each classroom teacher and allow each classroom teacher to use up to 25 percent of the proportionate share on professional development that addresses the academic needs of students or an identified area of professional growth for the classroom teacher. The DOE must identify professional development opportunities that require the classroom teacher to demonstrate proficiency in a specific classroom practice.

### Professional Development Calendar

The bill requires the DOE, by August 1, 2020, to develop a model annual and 5-year calendar that incorporates all state-required professional development. In addition, the bill requires each school district, no later than January 1, 2021, to develop an annual and a 5-year calendar of professional development for inclusion in the professional development system approved by the DOE.

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<sup>90</sup> Education Commission of the States, *Teacher Development and Advancement—What is the Issue and Why Does it Matter?*, (Mar. 2018), available at [https://www.ecs.org/wp-content/uploads/Teacher\\_Development\\_and\\_Advancement.pdf](https://www.ecs.org/wp-content/uploads/Teacher_Development_and_Advancement.pdf), at 1.

<sup>91</sup> University of Florida, Lastinger Center, *An Evaluation of Florida's Education Professional Development System*, Presentation to the House of Representatives Education Committee (Oct. 22, 2019), at 4.

### Teacher Choice in Professional Development

The bill requires the DOE to develop and maintain a statewide registry of approved PD providers and PD activities. The bill specifies that any PD provider seeking to be added to the registry must complete an application, which must describe the PD activities and instructor qualifications, require providers maintain specified information about the PD instruction, and ensure compliance with law and PD standards.

The bill stipulates that providers specified in law,<sup>92</sup> as well as providers approved by authorized entities, are not required to be added to the registry. However, such providers that wish to offer statewide PD opportunities may seek department approval and be added to the registry.

The bill requires the DOE to review applications and inform the provider in writing within 90 days of the approval or denial of the provider. The approval is valid for a period not to exceed five years, after which the provider must reapply. In addition, the bill requires:

- Each school district accept an approved PD activity on the registry toward meeting the requirements for renewal of a professional certificate.
- The DOE to determine the number of inservice hours to be awarded for completion of each specified PD activity.

The bill creates a three-year Professional Development Choice Pilot Program (pilot program) in the DOE, subject to legislative appropriation. The purpose of the pilot program is to provide grants to eligible teachers to select professional learning opportunities that best meet each teacher's individual needs. The bill specifies pilot program requirements for teachers, as follows:

- An eligible teacher may use a pilot program grant for PD approved by a school district or by a DOE-approved provider that is aligned to PD standards and satisfies requirements for renewal of a professional certificate. An eligible teacher must:
  - Hold a professional certificate.
  - Be employed as a classroom teacher, as defined in law, excluding substitute teachers, by a district school board or by a charter school.
  - Apply for a grant in a format determined by the DOE. In addition, the application must require an applicant to describe how the professional development activity relates to and will improve instruction in the classroom.
- Pilot program activities may include, but are not limited to, in-person or online training; travel and registration for conferences or workshops; college credit courses; and district professional development certification and education competency programs.
- Each eligible teacher may receive a once-a-year reimbursement for training, not to exceed \$500 per school year. The pilot program grants must be awarded on a first-come, first-served basis.

The bill also establishes requirements for each school district and for the DOE, which specifies that:

- Each school district must review a proposed PD activity to determine alignment with district and individual professional development plans and determine the number of inservice credit hours to be awarded, and approve any PD opportunity included on the DOE's registry.

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<sup>92</sup> Providers not required to be registered are the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations. Section 1012.98(1), F.S.



- The DOE must maintain a registry of approved providers and PD activities, and establish, no later than August 1, 2020, a grant application form.

The pilot program appears to be consistent with the President's education budget for the 2020 fiscal year, which proposes eliminating the Supporting Effective Instruction State Grants program<sup>93</sup> that provides formula grants to states and local education agencies to increase student achievement, primarily through professional development for teachers and class-size reduction. According to the budget summary, the program is largely duplicative; virtually all other Elementary and Secondary Education Act formula grant funds (e.g., Title I, Title III) may be used for teacher or staff professional development.<sup>94</sup>

The modifications to school district PD systems and the provision of additional resources may improve teacher access to additional high-quality PD opportunities.

#### Professional Education Excellence Resources (PEER) Pilot Program

The bill creates s. 1012.981, F.S., to establish the Professional Education Excellence Resources (PEER) Pilot Program in the DOE to provide school district flexibility to increase opportunities for professional learning, collaboration with teachers and leaders, and teacher leadership. The program is established only to the extent specifically funded and authorized by law, and participation in the PEER Pilot program is limited to Clay, Palm Beach, Pinellas, and Walton Counties.

The bill specifies that school districts that participate in the PEER Pilot Program may:

- Extend the contract day or the contract year, or both, for participating teachers for PD, collaboration with colleagues, or instructional coaching. The bill requires a district that chooses to extend the contract day or year must, before the start of the 2020-2021 school year, negotiate with the certified collective bargaining unit for instructional personnel a memorandum of understanding to address participation requirements.
- Use program funds to:
  - Compensate teachers who are assigned to an extended school day or school year.
  - Hire additional instructional personnel to provide teachers with additional planning periods or other release time to complete PD, collaborate with colleagues, or perform other appropriate activities.
  - Provide content area specialists to provide support for teachers' individual needs and professional growth.
  - Provide instructional coaches for participating teachers.
  - Provide PD opportunities.

The bill requires participating school districts to collaborate with the DOE, postsecondary educational institutions, regional education consortia, the University of Florida Lastinger Center, or other appropriate organizations to develop high-quality online PD opportunities accessible to instructional personnel statewide.

<sup>93</sup> The program was appropriated approximately \$2 billion in the 2019 fiscal year.

<sup>94</sup> United States Department of Education, *Fiscal Year 2020 Budget Summary*, <https://www2.ed.gov/about/overview/budget/budget20/summary/20summary.pdf>, at 55.

The bill also authorizes participating school districts to use program funds to establish a master teacher program to provide accomplished teachers the opportunity to innovate and improve classroom practices, facilitate improved PD, and improve instructional quality through collaboration with teachers and leaders. The bill specifies that each master teacher program must include, but is not limited to:

- Providing release time for planning and meeting with teachers and leaders.
- Additional PD opportunities.
- Monetary compensation.

The bill specifies that school districts may select highly effective teachers for the master teacher academy and may determine other selection criteria, such as peer reviews, principal recommendation, candidate interviews, or content expertise.

Each participating school district must collaborate with the department and with the University of Florida Lastinger Center to develop a master teacher academy to support instructional personnel statewide. The master teacher academy must provide recommendations for master teacher programs, create a bank of online PD, and provide instructional coaching for school-based leaders.

The bill establishes reporting requirements for school districts participating in the PEER Pilot Program. Each participant must annually, by August 1, report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the DOE on the performance of the pilot program. Each report must include information about the use of program funds, the impact on student achievement and teacher evaluation, satisfaction survey results, and recommendations for continuation of the pilot program.

Teachers in school districts that establish a PEER program may have additional options for PD and may be provided opportunities to provide support for school district teachers and curricula as a teacher leader, without leaving the classroom.

## **Private Education Choice**

### ***Present Situation***

Many states are expanding school choice options to include private schools in addition to public schools. In total, 27 states and the District of Columbia have enacted policies designed to broaden access to a private education. The three primary policies states have adopted that expand private school choices include:<sup>95</sup>

- School vouchers.
- Scholarship tax credits.
- Education savings accounts.

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<sup>95</sup> School vouchers are state-funded scholarships that pay for students to attend private school rather than public school. Scholarship tax credits allow individuals and corporations to allocate a portion of their owed state taxes to private nonprofit scholarship organizations that issue public and private school scholarships to K-12 students. Education Savings Accounts are state-funded grants deposited into special savings accounts from which parents can withdraw funds for certain educational expenses. National Conference of State Legislatures, *Private School Choice* <http://www.ncsl.org/research/education/private-school-choice635174504.aspx> (last visited Dec. 18, 2019).

### Private Education Choice in Florida

A private school in Florida is an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade and is below college level. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. A home education program is not considered a private school.<sup>96</sup>

Florida offers multiple private education choice scholarship programs for students who meet the eligibility requirements. In order to participate in Florida's state school choice scholarship program, private schools must comply with specified requirements.<sup>97</sup>

Two of Florida's scholarship programs are focused on students from low income families:

- Florida Tax Credit (FTC) Scholarship Program.
- Family Empowerment Scholarship (FES).<sup>98</sup>

### Florida Tax Credit Scholarship Program

The FTC Scholarship Program allows for private, voluntary contributions from corporate donors to non-profit scholarship funding organizations (SFOs) that award scholarships to eligible children from low-income families.<sup>99</sup> State law requires the SFOs to use the contributions received to provide scholarships to eligible students for the cost of private school tuition or transportation to public school in which the student is enrolled that is different from the school to which the student was assigned.

To be eligible for an FTC scholarship a student must meet one or more of the following criteria:

- The student is on the direct certification list or the student's household income level does not exceed 185 percent of the federal poverty level.
- The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in law.
- The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.

A student who initially receives a scholarship as a result of being placed in foster care or in out-of-home care remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. A student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student's household income level exceeds 260 percent of the federal poverty level, whichever occurs first. A sibling of a student who is participating in the

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<sup>96</sup> Section 1002.01(2), F.S.

<sup>97</sup> Section 1002.421(1), F.S.

<sup>98</sup> Section 1002.395(8)(a), F. S.

<sup>99</sup> The program include credits against the insurance premium tax for contributions to eligible non-profit SFOs, credits against severance taxes on oil and gas production, self-accrued sales tax liabilities of direct pay permit holders, and alcoholic beverage taxes on beer, wine, and spirits. Section 1002.395(6)(d), F.S.

scholarship program is eligible for a scholarship if the student resides in the same household as the sibling.<sup>100</sup>

A student is not eligible for a scholarship while he or she is enrolled in a Department of Juvenile Justice program; receiving another state educational scholarship; or enrolled in a home education, private tutoring, virtual, correspondence, distance learning program; or enrolled in the Florida School for the Deaf and the Blind.<sup>101</sup>

During the 2018-19 school year, FTC scholarships in the amount of \$644.6 million were awarded to a total of 104,091 students enrolled in 1,825 participating Florida private schools.<sup>102</sup> More than 109,000 FTC scholarships have been awarded for the 2019-2020 school year.<sup>103</sup>

### Family Empowerment Scholarship Program

Beginning in the 2019-20 school year, the FES Program provides educational options to eligible children of families with limited financial resources. A student who receives a scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level.<sup>104</sup> Similar to the McKay Scholarship, the FES is funded through the Florida Education Finance Program (FEFP). The program is capped at 18,000 students for the 2019-2020 school year and can annually increase by 0.25 percent of the state's total public school student enrollment.<sup>105</sup>

To be eligible for an FES, a student must meet the following criteria:<sup>106</sup>

- The student is:
  - On the direct certification list pursuant to law or the student's household income level does not exceed 300 percent of the federal poverty level; or
  - Currently placed, or during the previous fiscal year was placed, in foster care or in out-of-home care as defined in law.
- The student is eligible to enroll in kindergarten or has spent the prior school year in attendance at a Florida public school. However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders or a foster child is exempt from the prior public school attendance requirement.
- The parent has obtained acceptance for admission of the student to a private school that is eligible for the program and the parent has requested a scholarship from the Department of Education at least 60 days before the date of the first scholarship payment.

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<sup>100</sup> Section 1002.395(3), F.S.

<sup>101</sup> Section 1002.395(4), F.S.

<sup>102</sup> Florida Department of Education, *Fact Sheet, Florida Tax Credit Scholarship Program* (Dec. 18, 2019), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/FTC-Sept-2019.pdf>.

<sup>103</sup> Email from Amy Graham, Senior Policy Director, Step Up For Students, (Jan. 9, 2020) (on file with the Senate Committee on Education), Email from Patti Froebel, Controller, AAA Scholarship Foundation, (Dec. 18, 2019) (on file with Committee on Education).

<sup>104</sup> Section 1002.394(1), F.S.

<sup>105</sup> Section 1002.394(11)(b), F.S.

<sup>106</sup> Section 1002.394(3), F.S.

Priority is given to students whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.<sup>107</sup>

A student is not eligible for an FES while he or she is:<sup>108</sup>

- Enrolled in a public school including the Florida School for the Deaf and Blind, College-Prep Boarding Academy, a developmental research school, or a charter school;
- Enrolled in a school operating for the purpose of providing educational services to youth in a Department of Juvenile Justice commitment program;
- Receiving any other educational scholarship pursuant to Florida law;
- Participating in a home education program;
- Participating in a private tutoring program; or
- Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation.

As of December 2019, 17,795 FES scholarships were awarded to students for the 2019-2020 school year.<sup>109</sup>

#### FTE Funding Limits in the FEFP

For purposes of the FEFP, all FTE student (course) enrollment is capped for funding at 1.0 FTE per student for the year except FTE reported by DJJ students beyond the 180-day school year. School districts report all FTE enrollment, and the department combines all FTE enrollment reported for the student by all school districts, including Florida Virtual School. The department then recalibrates all reported FTE student enrollment for each student to 1.0 FTE if the total reported FTE exceeds 1.0. This 1.0 FTE funding limit currently applies to the FES but not to the McKay Scholarship.<sup>110</sup>

#### *Effect of Proposed Changes*

The bill modifies the eligibility and funding requirements of the FES and the FTC scholarship programs.

#### Scholarship Eligibility and Alignment

The bill expands scholarship eligibility for the FES to include a student who received an FTC scholarship in the prior year and was in a public school the year prior to initial receipt of the FTC scholarship. The bill also aligns the FES and FTC scholarship eligibility in the following ways:

- Allows an FES scholarship student to participate in no more than two courses from a virtual school, correspondence school, or distance learning program that receives state funding. In

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<sup>107</sup> Section 1002.394(3), F.S.

<sup>108</sup> Section 1002.394(5), F.S.

<sup>109</sup> Includes the school districts for 65 counties, four lab school districts, and the Florida School for the Deaf & the Blind. Email from Jared Ochs, Director of Legislative Affairs, Department of Education, (Jan. 2, 2020) (on file with the Senate Committee on Education).

<sup>110</sup> Section 1011.61(4)(a), F.S.

addition to the FTC Scholarship Program<sup>111</sup>, the John M. McKay Scholarship for Students with Disabilities Program (McKay scholarship)<sup>112</sup> and the Hope Scholarship Program<sup>113</sup> have similar provisions. Allowing FES students to annually take up to two courses from a virtual school, correspondence school, or distance learning program that receives state funding, may provide more flexibility for students to meet their educational goals.

- Modifies the FTC so that a student who receives an FTC scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's income level.

### Scholarship Funding

The bill specifies that, beginning in the 2020-2021 school year, the maximum number of students participating in the FES must annually increase by 1 percent, rather than 0.25 percent.

The bill also adds a provision that the FES is not subject to the maximum value of one FTE for funding a student, which aligns the FES scholarship to the McKay scholarship, which is also funded through the FEFP.

## **Florida Standardized Statewide Assessments**

### *Present Situation*

#### Every Student Succeeds Act

The Every Student Succeeds Act (ESSA)<sup>114</sup> is a federal law reauthorizing and substantially revising the Elementary and Secondary Education Act of 1965 (ESEA). The ESSA is the successor to the No Child Left Behind Act of 2001 (NCLB).<sup>115</sup> Like its predecessors NCLB and ESEA, the goal of the ESSA is to improve elementary and secondary education in public schools by conditioning the receipt of federal funds on the implementation of federal requirements.

Each state is required to submit a plan that demonstrates that the state educational agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science,<sup>116</sup> and must:<sup>117</sup>

- Be the same academic assessments used to measure the achievement of all children.
- Be aligned with a state's challenging academic content and student academic achievement standards, and provide coherent information about student attainment of such standards.

The assessments must be administered annually as follows:<sup>118</sup>

- Reading or language arts and mathematics must be administered:

<sup>111</sup> Section 1002.395(4)(f), F.S.

<sup>112</sup> Section 1002.39(3)(f), F.S.

<sup>113</sup> Section 1002.40(4)(c), F.S.

<sup>114</sup> Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

<sup>115</sup> Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>116</sup> 20 U.S.C. 6311, s. 1111(b)(3)(A)

<sup>117</sup> 20 U.S.C. 6311, s. 1111(b)(3)(C)

<sup>118</sup> 34 C.F.R., s. 200.5. A state must administer an English language proficiency assessment to all English learners in schools served by the State in all grades in which there are English learners, kindergarten through grade 12. Any other subject area assessments are administrated at the state's discretion. *Id.*

- In each of grades 3 through 8; and
- At least once in grades 9 through 12.
- Science assessments must be administered in each of:
  - Grades 3 through 5;
  - Grades 6 through 9; and
  - Grades 10 through 12.

Exceptions<sup>119</sup> to the requirement in the ESSA that state assessments be the same assessments used to measure the achievement of all students include:

- Advanced eighth grade mathematics assessments.<sup>120</sup>
- Alternate assessments aligned with alternate academic standards.<sup>121</sup>
- Innovative assessments.<sup>122</sup>
- Locally selected, nationally recognized high school academic assessments.<sup>123</sup>

A local education agency is authorized under the ESSA to administer a locally selected assessment in lieu of the statewide, standardized high school ELA, math, or science assessments.<sup>124</sup> However, any such assessment must:<sup>125</sup>

- Be approved by the state.
- Be nationally recognized.<sup>126</sup>
- Be aligned to the state’s academic standards, and address the depth and breadth of such standards.
- Be equivalent in its content coverage, difficulty, and quality to the state assessments.
- Provide comparable, valid, and reliable data on academic achievement, as compared to the state assessment, for all students and for each subgroup of students, with results expressed in terms consistent with the state’s academic achievement standards.
- Meet the same technical requirements as the state assessments.
- Provide unbiased, rational, and consistent differentiation between schools within the state in order to meet the requirements of the state accountability system.

In 2019-20, eight states used the SAT to meet ESSA’s high school testing requirement in math and English language arts. Eleven states used the ACT as a federal accountability test at the high school level. Five states allowed districts to choose between the two exams.<sup>127</sup>

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<sup>119</sup> 34 C.F.R., s. 200.2(b)(1)(i).

<sup>120</sup> 24 C.F.R., s. 200.5(b).

<sup>121</sup> 34 C.F.R., s. 200.6(c).

<sup>122</sup> Pub. L. No. 116-95, s. 1204, 129 Stat. 1808 (Dec. 10, 2015).

<sup>123</sup> 34 C.F.R., s. 200.3. “Nationally recognized high school academic assessment” means an assessment of high school students’ knowledge and skills that is administered in multiple states and is recognized by institutions of higher education in those or other states for the purposes of entrance or placement into courses in postsecondary education or training programs. 34 CFR 200.3(d)

<sup>124</sup> See 20 U.S.C. s. 6311(b)(2)(H).

<sup>125</sup> 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

<sup>126</sup> *Supra*, note 123.

<sup>127</sup> Olson, Lynn, FutureEd, *The New Testing Landscape: How State Assessments Are Changing under the Federal Every Student Succeeds Act* (Sept. 2019), available at <https://www.future-ed.org/wp-content/uploads/2019/09/FutureEdTestingLandscapeReport.pdf>, at 6.

Florida’s Statewide, Standardized Assessments

Florida’s statewide, standardized assessments measure the extent to which students have mastered the Next Generation Sunshine State Standards.<sup>128</sup> The requirements for students in Florida are as follows:<sup>129</sup>

Standards	Assessment	Assessment Schedule
Florida Standards Assessments (FSA) <sup>130</sup>	English Language Arts (ELA)	Grades 3 through 10
	Mathematics	Grades 3 through 8
	Algebra I EOC	Upon completion of applicable course identified in the Course Code Directory (CCD)
	Geometry EOC	
Next Generation Sunshine State Standards	Science	Grades 5 and 8
	Biology I EOC	Upon completion of applicable course identified in the CCD
	Civics EOC	
	U.S. History EOC	

***Effect of Proposed Changes***

Beginning in the 2020-2021 school year, the bill requires each school district to provide for the administration of either the SAT or ACT for each public school student in grade 11 in the district, including students attending public high schools, alternative schools, and centers of the Department of Juvenile Justice. The bill specifies that funding for the provision of the SAT or ACT will be as provided in the General Appropriations Act (GAA).

**Incentive Funding for Acceleration Programs**

***Present Situation***

Florida Education Finance Program (FEFP)

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.<sup>131</sup> The number of FTE students in each of the funded education programs is multiplied by cost factors<sup>132</sup> relative to each program to obtain weighted FTE student values.<sup>133</sup> The base student allocation from state

<sup>128</sup> Section 1008.22(3), F.S.

<sup>129</sup> See s. 1008.22(3)(a) and (b), F.S. See also Florida Department of Education, *Florida Statewide Assessment Program, 2019-2020 Schedule*, available at <http://fldoe.org/core/fileparse.php/5663/urlt/Statewide-Assessment-Schedule-2019-20.pdf>.

<sup>130</sup> Beginning in 2014-15, assessments aligned to the Florida Standards replaced assessments aligned to the Next Generation Sunshine State Standards in mathematics and English language arts (formerly reading and writing). The NGSSS Algebra 1 and Geometry assessments were replaced by Florida Standards Assessments (FSA) in these subjects. Florida Department of Education, *End-of-Course Assessments*, <http://fldoe.org/accountability/assessments/k-12-student-assessment/end-of-course-ec-assessments/> (last visited Feb. 18, 2020)

<sup>131</sup> Section 1011.62, F.S.

<sup>132</sup> Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

<sup>133</sup> Section 1011.62, F.S.; Department of Education, *2019-20 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.



and local funds is determined annually by the Legislature in the GAA and is a component in the calculation of each school district’s base funding.<sup>134</sup> In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as for mental health assistance, and funding compression.<sup>135</sup>

Dual Enrollment and Collegiate High School Programs

The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree. An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to s. 1003.4282.<sup>136</sup> The following table shows 2018-2019 academic year dual enrollment participation by public and private school and home education program students at Florida College System (FCS) institutions, state universities, and at eligible private colleges and universities.

	FCS Institutions <sup>137</sup>	State Universities <sup>138</sup>	Private Colleges and Universities <sup>139</sup>
Public School	73,408	9,250	6,908
Private School	2,607	688	
Home Education	3,818	113	

Collegiate high school programs are intended to provide an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through the dual enrollment program toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program. Each Florida College System institution is required to work with each district school board in its designated service area to establish one or more collegiate high school programs.<sup>140</sup> In fall 2018, there were 11,146 students enrolled in a collegiate high school or collegiate high school program.<sup>141</sup>

<sup>134</sup> Department of Education, *2019-20 Funding for Florida School Districts available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>* at 17.

<sup>135</sup> Section 1011.62(6) F.S.

<sup>136</sup> Section 1007.271(1) and (2), F.S.

<sup>137</sup> Email from Elizabeth Moya, Director of Legislative Affairs, Florida Department of Education (Jan. 8, 2020) (on file with the Senate Committee on Education).

<sup>138</sup> Email from Jason Jones, Chief Data Officer, Florida Board of Governors (Jan. 3, 2020) (on file with the Senate Committee on Education).

<sup>139</sup> Email from Elizabeth Moya, Director of Legislative Affairs, Florida Department of Education (Jan. 8, 2020) (on file with the Senate Committee on Education).

<sup>140</sup> Section 1007.273(1) and (2), F.S.

<sup>141</sup> Email from Elizabeth Moya, Director of Legislative Affairs, Florida Department of Education (Jan. 8, 2020) (on file with the Senate Committee on Education).

### Incentive Funding for Acceleration Programs

Dual enrollment and collegiate high school program funding for public schools is included in the calculation of FTE students within the FEFP.<sup>142</sup> There is no provision in law to allow for additional performance funding for students earning dual enrollment credit.

The FEFP provides a funding incentive for school districts with students in Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) courses who successfully complete AP, IB, and AICE examinations or earn an IB or AICE diploma.<sup>143</sup> The additional FTE is calculated as follows:

- A value of 0.16 FTE student membership is calculated for each student in each AP course who receives a score of 3 or higher on the College Board AP examination.<sup>144</sup>
- A value of 0.16 FTE student membership is calculated for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an IB diploma.<sup>145</sup>
- A value of 0.16 FTE student membership is calculated for each student enrolled in a full-credit AICE course, and 0.08 FTE student membership for each student enrolled in a half-credit AICE course, for each student who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.<sup>146</sup>

In addition, classroom teachers may receive bonus funds for the performance of their students on AP, IB, and AICE examinations. School districts must use the additional FTE funds for purposes specified in law.<sup>147</sup>

### ***Effect of Proposed Changes***

The bill adds new provisions for FEFP funding for students enrolled in dual enrollment courses and collegiate high school programs that are similar to FTE student membership incentives districts earn for students who complete AP, IB, and AICE examinations. Specifically, for the 2020-2021 school year and thereafter, the bill:

- Provides bonus FTE funding to public school districts for any student who completes a general education core course through dual enrollment with an earned grade of “B” or better. Specifically:
  - Students enrolled in a collegiate high school program pursuant to s. 1007.273, F.S., generate a 0.16 FTE student membership bonus.
  - Students not enrolled in a collegiate high school program pursuant to s. 1007.273, F.S., generate a 0.08 FTE student membership bonus.

<sup>142</sup> Department of Education, *2019-20 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 11.

<sup>143</sup> Section 1011.62, F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Section 1007.27(1), F.S.

<sup>144</sup> Section 1011.62(1)(n), F.S.

<sup>145</sup> Section 1011.62(1)(l), F.S.

<sup>146</sup> Section 1011.62(1)(m), F.S.

<sup>147</sup> Section 1011.62(1)(l)-(n), F.S.

- Provides bonus FTE funding for each associate degree earned through the dual enrollment program with 3.0 GPA or better. Students earning an associate degree with the required GPA generate a 0.3 FTE student membership bonus. Courses taken prior to 2020-2021 may be included in the associate degree for purposes of the bonus.
- Specifies that bonus funding will be added to the total FTE student membership in basic programs for grades 9-12 in the subsequent fiscal year and requires school districts to allocate at least 50 percent of the bonus funds to the schools that generated the funds to support academic guidance and postsecondary readiness.

## Florida Charter Schools

### *Present Situation*

Charter schools are public schools that operate under a performance contract (charter),<sup>148</sup> which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results.<sup>149</sup> The charter between the charter school governing board and the charter school sponsor details the school's mission, program, goals, students served, methods of assessment, and ways to measure success.<sup>150</sup>

A district school board may sponsor a charter school in the county in which the district school board has jurisdiction.<sup>151</sup> Additionally, a state university may grant a charter to a developmental research (laboratory) school.<sup>152</sup>

In the 2018-2019 school year, over 313,000 students were enrolled in 658 charter schools in 47 Florida school districts.<sup>153</sup>

### Charter School Applications

An application for a new charter school may be made by an individual, a teacher, a parent, a group of individuals, a municipality, or a legal entity organized under the laws of this state.<sup>154</sup>

A sponsor receives and reviews all charter school applications<sup>155</sup> and must, within 90 calendar days of receipt, approve or deny the application by majority vote.<sup>156</sup> Charter applicants are required to prepare and submit an application on a standard form prepared by the Department of Education (DOE), which application contains information a sponsor may require and information specified in law.<sup>157</sup>

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<sup>148</sup> Section 1002.33(5)(a), F.S.

<sup>149</sup> Section 1002.33(7), F.S.

<sup>150</sup> Florida Department of Education, *FAQ, What are charter schools?* <http://fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Jan. 14, 2020).

<sup>151</sup> Section 1002.33(5)(a)1., F.S.

<sup>152</sup> Section 1002.32, F.S. Such school must be considered a charter lab school. Section 1002.33(5)(a)2., F.S.

<sup>153</sup> Florida Department of Education, *Florida's Charter Schools* (Sept. 2019), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2019.pdf>.

<sup>154</sup> Section 1002.33(3)(a), F.S.

<sup>155</sup> Section 1002.33(6)(b), F.S.

<sup>156</sup> Section 1002.33(6)(b)3.a., F.S.

<sup>157</sup> Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education Rule 6A-6.0786, F.A.C.

A sponsor must receive and consider charter school applications received on or before February 1 of each year in order for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment.<sup>158</sup>

### Charter School Students

A charter school may be exempt from specific enrollment requirements if the school is open to any student covered in an inter-district agreement and any student residing in the school district in which the charter school is located.<sup>159</sup> A charter school may limit the enrollment process only to target the following student populations:<sup>160</sup>

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.<sup>161</sup>
- Students residing within a reasonable distance of the charter school.
- Students who meet established academic, artistic, or other eligibility standards.
- Students articulating from one charter school to another.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million to be used as a charter school to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to no more than 50 percent of the student stations in the charter school.

### ***Effect of Proposed Changes***

#### Charter School Applications

The bill removes the specified date by which charter school applications must be submitted and received each calendar year in order for the school to be opened the next year and prohibits a sponsor from refusing to receive a charter school application submitted any time during the calendar year. The bill also allows a charter school to be opened at a time determined by the applicant, such that the agreement of the sponsor is no longer required.

#### Charter School Students

The bill expands criteria by which a charter school may target enrollment for students living in a specified development. The bill expands the contributing entities to include a developer, including any affiliated business entity or charitable foundation. In addition, the bill expands the contributions to development of a charter school to include, in addition to provision of a school facility, contributions to the formation, acquisition, construction, or operation of one or more

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<sup>158</sup> Section 1002.33(6)(b), F.S. A sponsor may receive and consider applications after February 1, if it chooses. *Id.*

<sup>159</sup> Section 1002.33(10)(a), F.S.

<sup>160</sup> Section 1002.33(10)(e), F.S.

<sup>161</sup> Section 1002.33(15), F.S.

charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million. The bill may expand the number of developments in which students living in such development may be entitled to 50 percent of the student stations in the charter school.

### **Pathways in Technology Early College High School (P-TECH)**

#### ***Present Situation***

P-TECH, co-developed by the IBM Corporation, is an approach to education that blends high school, community college and workplace skills.<sup>162</sup> P-TECH schools are primarily public schools, governed and supported by the local school district, although there are some examples of similar charter schools. P-TECH is designed to help close the achievement gap among underserved youth. Within six years of enrolling in ninth grade, students graduate with their high school diplomas, no-cost associate degrees and applicable credentials, and participate in workplace learning opportunities.<sup>163</sup>

P-TECH schools are defined by a set of six key tenets:<sup>164</sup>

- Public-private partnership;
- Six year integrated program;
- Workplace learning including internships;
- Open enrollment with no grade or testing requirements;
- Cost-free; and
- First in-line for job openings with industry partners.

The P-TECH model has spread to 200 schools<sup>165</sup> in 23 countries and 8 states<sup>166</sup>, serving 100,000 students<sup>167</sup> since its founding in 2011. The P-TECH programs currently in operation have developed 12 different pathways based on regional workforce demand, including:<sup>168</sup>

- Construction technology;
- Process technology;
- Cybersecurity;
- Business;
- Mechanical engineering;
- Energy management;
- Healthcare;
- Advanced manufacturing;
- Machining;

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<sup>162</sup> P-TECH, *P-TECH About* <http://www.ptech.org/about/> (last visited Dec. 17, 2019).

<sup>163</sup> P-TECH, *P-TECH Mission* <http://www.ptech.org/about/mission/> (last visited Dec. 17, 2019).

<sup>164</sup> *Id.*

<sup>165</sup> IBM, *P-TECH: when skills meet opportunity, success happens* <https://www.ibm.com/thought-leadership/ptech/index.html> (last visited Jan. 8, 2020).

<sup>166</sup> P-TECH, *P-TECH Our Schools* <http://www.ptech.org/resources/schools-map/> (last visited Jan. 8, 2020).

<sup>167</sup> IBM, *P-TECH: when skills meet opportunity, success happens* <https://www.ibm.com/thought-leadership/ptech/index.html> (last visited Jan. 8, 2020).

<sup>168</sup> P-TECH, *P-TECH Network, Our Schools, USA* <http://www.ptech.org/p-tech-network/our-schools/usa/> (last visited Dec. 17, 2019).

- Early childhood education;
- Computer science; and
- Networking technology.

### *Effect of Proposed Changes*

To determine the feasibility of implementing the P-TECH program, or a similar program, in Florida, the bill requires the Commissioner of Education to submit a report by December 1, 2020, to the Governor, Senate President, Speaker of the House, BOG, and the SBE, with recommendations addressing the feasibility of implementing in Florida.

The bill requires the P-TECH program, or a similar program, to achieve the following:

- Incorporate secondary and postsecondary education with workforce education and work experience in a flexible 6-year integrated model.
- Allow students to earn a high school diploma, an associate degree, and applicable industry certifications and gain work experience, within 6 years after enrolling in the 9<sup>th</sup> grade.
- Have an open enrollment policy that encourages a diverse student body, including students from low-income families and first-generation college students.
- Support student success through flexible class scheduling, advising and mentoring, and other wrap-around services.
- Provide seamless articulation to Florida's postsecondary institutions.

The commissioner's report must, at a minimum, include the following:

- Timelines for implementing a P-TECH program, or similar program, including courses of study which support completion in 4 to 6 years and which meet regional workforce demand.
- A funding model that provides the P-TECH program, or similar program, at no cost to students and may incorporate K-12, postsecondary, and workforce funding, grants, scholarships, and other funding options.
- Partnerships with industries and businesses, including private investment, work-based job training, internships, and priority placement for job opportunities after graduation.
- Recommendations for modifications, if any, to the school and school district accountability requirements.<sup>169</sup>

The bill provides that this section relating to the P-TECH program and report will be effective upon becoming law and expire on December 1, 2020.

## **IV. Constitutional Issues:**

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

None.

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

None.

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<sup>169</sup> Section 1008.34, F.S.

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:

***Educator Certification***

Persons seeking an educator certificate who demonstrate subject area knowledge by a specified baccalaureate degree from an approved institution may not have to take a subject area examination, and so would not have to pay the fee for such exam.

***Private Education Choice***

Expanding Family Empowerment Scholarship (FES) eligibility as provided for in the bill to a student who received a Florida Tax Credit (FTC) scholarship will provide more flexibility for families and increase eligibility for the programs, potentially reducing costs for students and families.

Allowing FES students to annually take up to two courses from a virtual school, correspondence school, or distance learning program that receives state funding, may provide more flexibility for students to meet their educational goals.

***Dual Enrollment Incentives***

The financial supports for the dual enrollment and early college programs may increase opportunities for Florida secondary students to take college-credit courses that will count toward an associate or baccalaureate degree while still in high school, which may reduce costs for students and families.

C. Government Sector Impact:

***Educator Certification***

If individuals demonstrate mastery of subject area competence through a specified bachelor's degree as authorized in the bill rather than by a subject area examination, the Department of Education may experience decreased revenue from the loss of subject area

examination fees. Such fees are deposited into the Educational Certification and Services Trust Fund and are used for the payment of expenses incurred by the Educational Practices Commission and in the printing of forms and bulletins and the issuing of certificates. The number of individuals who may demonstrate subject area competence under this additional option is not known.

***Professional Development***

The Department of Education (DOE) may incur costs related to developing model annual and 5-year calendars that incorporate all state-required professional development. In addition, the DOE may incur costs to develop and maintain a statewide registry of approved professional development providers and activities.

The implementation of the Professional Development Choice Pilot Program is subject to legislative appropriation and the Professional Education Excellence Resources (PEER) Pilot Program shall be implemented to the extent specifically funded and authorized by law.

***Private Education Choice***

Increasing the allowable annual growth for student participation in the FES from 0.25 percent of total public school enrollment to 1.0 percent, will increase the FTE and funding needed for the FEFP. The annual growth in maximum student participation will increase from approximately 7,000 to 28,000 students (over and above the current 18,000).

Expanding the FES eligibility to include a student who received a FTC scholarship after being enrolled in a public school the prior year may increase the need for additional state funds. Students who move from the FTC scholarship to the FES, would be added to the FTE count and funding for the FEFP. It is unknown at this time how many students would meet the requirements to be reclassified between the two scholarships.

Exempting the FES scholarship amount from the 1.0 FTE requirement has the potential to increase the FTE used in the FEFP funding calculation, thus having a state fiscal impact.

***Dual Enrollment Incentive***

Beginning in the 2021-2022 fiscal year, the bill may reallocate funds within the FEFP to those school districts with relatively more students successfully completing dual enrollment coursework; however, an additional appropriation is not required.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.394, 1002.395, 1004.04, 1004.85, 1008.22, 1011.61, 1012.56, 1012.585, 1012.586, 1012.79, and 1012.98.

This bill creates s. 1012.981 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.)

**Recommended CS/CS by Appropriations Subcommittee on Education on February 25, 2020:**

The committee substitute maintains the provisions in the bill relating to:

- Admissions, core curricula, and instructional requirements for initial teacher preparation (ITP) and educator preparation institute (EPI) programs.
- Modifications to educator certification requirements to demonstrate mastery of subject area competence and limit application of inservice points not related to student learning or professional growth.
- Authorization for the Commissioner of Education to select and remove the Education Practices Commission executive director, and establish the duties of the executive director.
- Modifications to school district professional development (PD) systems and the creation of new PD opportunities.
- Modifications to eligibility requirements for the Family Empowerment Scholarship (FES) and the Florida Tax Credit (FTC) scholarship.

The committee substitute also adds provisions relating to charter schools, annual growth of the Family Empowerment Scholarship (FES), national assessments, dual enrollment bonus funding, the PEER pilot program, and workforce education, which:

- Modifies the charter school application process and enrollment limitations by:
  - Requiring a sponsor to receive and consider a charter school application submitted at any time during the calendar year.
  - Modifying enrollment limitations to prioritize a developer and charitable foundation that perform specified actions.
- Modifies the growth of the FES to authorize an annual increase of 1.0 percent of the state public school enrollment (rather than 0.25 percent) starting in 2020-2021.
- Providing that a student eligible for an FTC scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's income level.
- Requires school districts to provide for the administration of the SAT or ACT to all students in grade 11, beginning in 2020-2021, with funding as provided in the GAA.
- Establishes a series of school district FTE bonus for completion of general education core courses with a grade of "B" or higher through dual enrollment, and completion of an associate degree through dual enrollment.

- Expands the Professional Education Excellence Resources (PEER) Pilot Program to include Palm Beach County.
- Requires the Commissioner to submit a report by December 1, 2020, meeting specified requirements, to determine the feasibility of implementing a Pathways in Technology Early College High School (P-TECH) or similar program, in Florida.

**CS by Education on January 21, 2020:**

The committee substitute maintains the provisions in the bill, which include

- Modifying initial teacher preparation (ITP) program core curricula relating to reading instructional strategies and adds a new requirement for mental health strategies and support.
- Changing ITP program provisions related to student grade point average and mastery of general knowledge from admission requirements to program requirements.
- Modifying educator certification requirements to authorize applicants to demonstrate mastery of subject area competence with a bachelor's degree in the subject area earned within the past 10 years.
- Modifying requirements relating to the Education Practices Commission (EPC) to specify that:
  - The Commissioner of Education may select and remove the EPC executive director, and may establish the duties of the executive director.
  - The assignment of the EPC to the Department of Education (DOE) includes fiscal accountability.
  - The EPC may expend funds for legal services, and removes the authority to expend funds for a general counsel or access to counsel.

The committee substitute adds additional provisions related to teacher preparation programs and educator certification, but also adds provisions related to teacher professional development and state scholarship programs. The committee substitute:

- Requires ITP and educator preparation institute (EPI) programs to include: the opportunity for student to complete an endorsement; instruction in mandatory training for instructional personnel; and in program performance evaluation employer surveys measures regarding student proficiency.
- Modifies the renewal requirement for an educator professional certificate by specifying that a teacher may only earn inservice points once in the five years certificate validity period for any mandatory training topic that is not linked to student learning or professional growth.
- Modifies requirements relating to professional development (PD) by:
  - Authorizing teachers to use up to 25 percent of their proportional share of a district calculation of PD funds for specified purposes, and requiring the DOE to identify PD that requires demonstration of proficiency.
  - Requiring the DOE to create an annual and 5-year model calendar of state-mandated PD, and the school district to create similar calendars as a part of the professional PD system.
  - Requiring the DOE to maintain a statewide registry of specified approved professional development providers.

- Creating the Professional Development Choice Pilot Program in the DOE, subject to appropriation, to allow a teacher to receive a grant up to \$500 for PD that is aligned to PD standards and satisfies professional certificate inservice requirements.
- Establishes the Professional Education Excellence Resources (PEER) Pilot Program (program), subject to legislative appropriation, and:
  - Establishes the PEER program in Clay, Pinellas, and Walton counties.
  - Authorizes PEER program participants to extend the teacher contract day or year for specified PD purposes, subject to salary considerations.
  - Specifies the use of program funds to include teacher compensation, instructional personnel, content area specialists, instructional coaches, and PD opportunities.
  - Requires PEER program participants to collaborate with specified entities to develop high-quality online PD.
  - Authorizes PEER program participants to establish a master teacher program subject to requirements, and requires participates to collaborate with the University of Florida Lastinger Center to develop a master teacher academy.
  - Establishes reporting requirements regarding the use of PEER program funds, the impact on teacher evaluations and student achievement, and recommendations for continuation of the program.
- Modifies the Family Empowerment Scholarship (FES), by:
  - Expanding scholarship eligibility to an FES student who received a Florida Tax Credit (FTC) scholarship in the prior year and was in a public school the year prior to initial receipt of the FTC scholarship.
  - Adding a provision that, similar to the McKay scholarship, the FES is not subject to the maximum value for funding a student.
- Aligns FES and FTC eligibility by:
  - Allowing an FES student to participate in up to two courses from a virtual school, correspondence school, or distance learning program that receives state funding.
  - Increasing the FTC scholarship income eligibility threshold for a student whose household income level does not exceed 300 percent of the federal poverty level with priority given to students whose household income levels do not exceed 185 percent of the federal poverty level.
  - Modifying that a student eligible for an FTC scholarship remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's income level.

**B. Amendments:**

None.