

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/CS/HB 429 Purple Star Campuses

**SPONSOR(S):** Education & Employment Committee, Local Administration & Veterans Affairs Subcommittee, Secondary Education & Career Development Subcommittee, Learned. Maney and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 938

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	16 Y, 0 N, As CS	Wolff	Sanchez
2) Local Administration & Veterans Affairs Subcommittee	15 Y, 0 N, As CS	Renner	Miller
3) Education & Employment Committee	19 Y, 0 N, As CS	Wolff	Hassell

### SUMMARY ANALYSIS

Students from military families experience academic and social-emotional challenges as they relocate to new schools due to a parent's change in duty station. In order to assist students from military families with this transition, the bill requires the Department of Education (DOE) to establish a Purple Star Campus Program (program) that identifies schools that support military-connected children, including public schools, charter schools, and schools participating in the Florida educational choice scholarship program.

Under the program, schools will be recognized as Purple Star Campuses if they meet the following requirements:

- Designate a staff member as a military liaison;
- Maintain a webpage on the school's website which includes resources for military students and families;
- Maintain a student-led transition program to assist military students in transitioning into the school;
- Offer professional development training opportunities for staff members on issues relating to military students; and
- Reserve at least five percent of open enrollment seats for military-connected students.

The DOE is authorized to establish additional criteria to identify schools that demonstrate a commitment to or provide critical transition supports for military-connected families.

The bill authorizes a school to partner with a school district to procure digital, professional development, or other assistance necessary to implement the criteria of the program.

The bill requires the State Board of Education to adopt rules to implement the program.

The bill has an indeterminate fiscal impact on local governments and no fiscal impact on the state.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Military Personnel and Families

There are over 3.5 million United States military personnel located worldwide.<sup>1</sup> A total of 1.2 million active duty<sup>2</sup> service members are assigned throughout all 50 states and the District of Columbia. More than half of the military members stationed stateside reside in California, Virginia, Texas, North Carolina, Georgia, and Florida.<sup>3</sup>

Over 800,000 select reserve component members<sup>4</sup> are assigned throughout the 50 states and the District of Columbia. Almost half of the reserve members are assigned to California, Texas, Florida, Pennsylvania, New York, Ohio, Georgia, Virginia, Illinois, and North Carolina.<sup>5</sup>

Approximately 38 percent of all active duty service members have children.<sup>6</sup>

Florida is home to 20 military installations,<sup>7</sup> 65,267 military personnel,<sup>8</sup> and over 52,000 children (newborn through age 19) of military personnel.<sup>9</sup>

##### *Interstate Compact on Educational Opportunity for Military Children*

Florida joined the Interstate Compact on Educational Opportunity for Military Children (Interstate Compact) in 2008.<sup>10</sup> Currently, all 50 states are members of the Interstate Compact.<sup>11</sup> The purpose of the Interstate Compact is to remove barriers to educational success imposed on students from military families due to frequent moves and deployment of their parents.<sup>12</sup> To accomplish this purpose, current law provides for:

- Prioritizing students from military families in the controlled open enrollment process;<sup>13</sup>
- Providing an exception to restrictions on participation in extracurricular activities for students from military families;<sup>14</sup>
- Establishing memoranda of understanding between school districts and military installations;<sup>15</sup>

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<sup>1</sup> Department of Defense, *2019 Demographics, Profile of the Military Community*, p. iii (2019), <https://download.militaryonesource.mil/12038/MOS/Reports/2019-demographics-report.pdf> (last visited March 25, 2021).

<sup>2</sup> The term “active duty” means full time duty in the active military service and includes full-time training, annual training duty, and attendance. 10 U.S.C. s. 101.

<sup>3</sup> Department of Defense, *2019 Demographics, Profile of the Military Community*, p. iv (2019), <https://download.militaryonesource.mil/12038/MOS/Reports/2019-demographics-report.pdf> (last visited March 25, 2021).

<sup>4</sup> The reserve components of the armed forces include the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and the Coast Guard Reserve. 10 U.S.C., s. 10101.

<sup>5</sup> Department of Defense, *2019 Demographics, Profile of the Military Community*, p. v (2019), <https://download.militaryonesource.mil/12038/MOS/Reports/2019-demographics-report.pdf> (last visited March 25, 2021).

<sup>6</sup> *Id.* at 122.

<sup>7</sup> Enterprise Florida, *Florida’s Military Profile*, [https://www.enterpriseflorida.com/wp-content/uploads/Military\\_Install\\_Map.pdf](https://www.enterpriseflorida.com/wp-content/uploads/Military_Install_Map.pdf) (last visited March 24, 2021).

<sup>8</sup> Florida Defense Support Task Force, *Florida Defense Factbook Quick Comparison* (2020), <https://www.enterpriseflorida.com/wp-content/uploads/FactBook-Quick-Comparison-Flier-2020.pdf> (last visited March 24, 2021).

<sup>9</sup> Department of Defense, *2019 Demographics, Profile of the Military Community*, p. 176-177 (2019), <https://download.militaryonesource.mil/12038/MOS/Reports/2019-demographics-report.pdf> (last visited March 25, 2021).

<sup>10</sup> Ch. 2008-225, Laws of Fla.

<sup>11</sup> Military Interstate Children’s Compact Commission, *Interactive Map*, <https://mic3.net/interactive-map/> (last visited March 24, 2021).

<sup>12</sup> *Id.*

<sup>13</sup> S. 1002.31, F.S.

<sup>14</sup> S. 1006.15(3)(h) and (9)(b), F.S.

<sup>15</sup> S. 1003.05(2), F.S.

- Providing for students from military families who are otherwise eligible for special academic programs at any school in the district school to receive first preference for admission;<sup>16</sup> and
- Pending a transfer to a military installation within the school district, considering students from military families as residents of that county for purposes of enrollment.<sup>17</sup>

### *Other Educational Benefits*

The federally connected student supplement provides supplemental funding, through the Florida Education Finance Program, for school districts to support the education of students connected with federally owned military installations, National Aeronautics and Space Administration (NASA) property, and Native American sovereignty lands. Districts must be eligible for federal Impact Aid Program funds under s. 7003 of Title VIII of the Elementary and Secondary Education Act of 1965 to qualify.<sup>18</sup> The student allocation is calculated based on the number of students reported for federal Impact Aid Program funding, including students with disabilities, who meet one of the following criteria:

- Students with parents who either are on active duty in military service of the United States or are an accredited foreign government official and military officer.
- Students residing on eligible federally owned Native American sovereignty land.
- Students residing with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA.<sup>19</sup>

Florida provides other educational benefits to military children, including:

- Accepting military permanent change of station orders that relocate a military family to any military installation within the state as proof of Florida residency.<sup>20</sup>
- Accepting exit or end-of-course exams required for graduation from a sending state.<sup>21</sup>
- Providing preferential treatment to dependent children of active duty military personnel who moved as a result of military orders in a school's controlled open enrollment process.<sup>22</sup>

### Purple Star School Program

The Purple Star School Program (program) is designed to support students from military families as they relocate to new schools due to a parent's change in duty station.<sup>23</sup> As of September 2020, nine states have implemented Purple Star School programs: Texas, Tennessee, Virginia, Ohio, Arkansas, South Carolina, North Carolina, Georgia, and Indiana.<sup>24</sup>

The program requires that a school:<sup>25</sup>

- Designate a staff point of contact for military families;
- Establish and maintain a dedicated page on the school's website featuring information and resources for military families;

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<sup>16</sup> S. 1003.05(3), F.S. For the purposes of this section, special academic programs include magnet schools, advanced studies programs, advanced placement, dual enrollment, Advanced International Certificate Educations, and International Baccalaureate.

<sup>17</sup> S. 1003.05(4), F.S.

<sup>18</sup> S. 1011.62(13), F.S. Generally, a school district will be eligible for Impact Aid Program funds if it educates at least 400 federally connected children or if federally connected children comprise at least 3 percent of the school district's student body, with both figures being calculated on average daily attendance. 20 U.S.C. s. 7703(b).

<sup>19</sup> *Id.*

<sup>20</sup> S. 1003.05, F.S.

<sup>21</sup> S. 1000.36, F.S.

<sup>22</sup> S. 1002.31(2)(c)1., F.S.

<sup>23</sup> Military Child Education Coalition, *Purple Star Schools*, <https://www.militarychild.org/purplestarschools> (last visited March 23, 2021).

<sup>24</sup> Military Child Education Coalition, *Issue Paper Purple Star School Designation Program*, available at [https://www.militarychild.org/upload/images/Purple%20Star%20Schools/MCEC\\_issue\\_paper\\_PSS\\_9\\_10.2020.pdf](https://www.militarychild.org/upload/images/Purple%20Star%20Schools/MCEC_issue_paper_PSS_9_10.2020.pdf) (last visited March 23, 2021).

<sup>25</sup> *Id.*

- Create a student-led transition program; and
- Provide professional development for additional staff on special considerations for military families.

### State Agency Rulemaking Authority

A rule is an agency statement of general applicability interpreting, implementing, or prescribing law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.<sup>26</sup> The effect of an agency statement determines whether it meets the statutory definition of a rule, regardless of how the agency characterizes the statement.<sup>27</sup> If an agency statement generally requires compliance, creates certain rights while adversely affecting others, or otherwise has the direct and consistent effect of law, it is a rule.<sup>28</sup>

Rulemaking authority is delegated by the Legislature<sup>29</sup> by law authorizing an agency to “adopt, develop, establish, or otherwise create”<sup>30</sup> a rule. Agencies do not have discretion whether to engage in rulemaking.<sup>31</sup> To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.<sup>32</sup> The grant of rulemaking authority itself need not be specific or detailed.<sup>33</sup> The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.<sup>34</sup> A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, could be ruled unconstitutional if it allows the agency to make the law.<sup>35</sup> Because of this constitutional limitation on delegated rulemaking, the Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the assigned executive agency. The Legislature may delegate rulemaking authority to agencies but not the authority to determine what should be the law.<sup>36</sup>

### **Effect of the Bill**

The bill creates the Purple Star Campus Program to support military-connected children. Specifically, the bill:

- Defines a military student as a student enrolled in a school district, charter school, or a school or institution participating in a Florida educational choice scholarship program, who is a dependent

<sup>26</sup> S. 120.52(16), F.S.; *Florida Dep’t of Fin. l Servs. v. Capital Collateral Reg’l Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).

<sup>27</sup> *Dep’t of Admin. v. Harvey*, 356 So. 2d 323, 325 (Fla. 1st DCA 1977)

<sup>28</sup> *McDonald v. Dep’t of Banking & Fin.*, 346 So. 2d 569, 581 (Fla. 1st DCA 1977), articulated this principle subsequently cited in numerous cases. *See State of Florida, Dep’t of Admin. v. Stevens*, 344 So. 2d 290 (Fla. 1st DCA 1977); *Dep’t of Admin. v. Harvey*, 356 So. 2d 323 (Fla. 1st DCA 1977); *Balsam v. Dep’t of Health & Rehab. Servs.*, 452 So. 2d 976, 977–978 (Fla. 1st DCA 1984); *Dep’t of Transp. v. Blackhawk Quarry Co.*, 528 So. 2d 447, 450 (Fla. 5th DCA 1988), rev. den. 536 So. 2d 243 (Fla. 1988); *Dep’t of Natural Res. v. Wingfield*, 581 So. 2d 193, 196 (Fla. 1st DCA 1991); *Dep’t of Revenue v. Vanjaria Enterprises, Inc.*, 675 So. 2d 252, 255 (Fla. 5th DCA 1996); *Volusia County School Board v. Volusia Homes Builders Ass’n*, 946 So. 2d 1084 (Fla. 5th DCA 2007); *Florida Dep’t of Financial Servs. v. Capital Collateral Reg’l Counsel*, 969 So. 2d 527 (Fla. 1st DCA 2007); *Coventry First, LLC v. State of Florida, Office of Ins. Reg.*, 38 So. 3d 200 (Fla. 1st DCA 2010).

<sup>29</sup> *SW. Florida Water Mgmt. Dist. v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

<sup>30</sup> S. 120.52(17), F.S.

<sup>31</sup> S. 120.54(1)(a), F.S.

<sup>32</sup> Ss. 120.52(8) & 120.536(1), F.S.

<sup>33</sup> *Save the Manatee Club, Inc.*, 773 So. 2d at 599.

<sup>34</sup> *Sloban v. Florida Bd. of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Askew v. Cross Keys Waterways*, 372 So. 2d 913, 918-919 (Fla. 1978); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Ass’n*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

<sup>35</sup> *Conner v. Joe Hatton, Inc.*, 216 So. 2d 209 (Fla. 1968).

<sup>36</sup> *Sarasota County v. Barg*, 302 So. 2d 737 (Fla. 1974).

of either an active-duty member or a former member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, a reserve component of any of these branches of the military, or the Florida National Guard.

- Requires the Department of Education (DOE) to establish the program and requires a participating school, at a minimum, to:
  - designate a staff member as a military liaison;
  - maintain a webpage on the school's website which includes resources for military students and families;
  - maintain a student-led transition program that assists military students in transitioning into the school;
  - offer professional development training opportunities for staff members on issues relating to military students; and
  - reserve at least five percent of open enrollment seats for military-connected students.

The DOE is authorized to establish additional criteria to identify schools that demonstrate a commitment to or provide critical transition supports for military-connected families, such as:

- hosting an annual military recognition event;
- partnering with a school liaison from a military installation;
- supporting projects connecting the school with the military community; or
- providing outreach for military parents and their children.

The bill authorizes a school to partner with a school district to procure digital, professional development, or other assistance as necessary to implement the criteria of the program.

The bill requires the State Board of Education to adopt rules to implement the program.

#### B. SECTION DIRECTORY:

Section 1. Creates s. 1003.051, F.S., defining the term "military student"; requiring the Department of Education to establish the Purple Star Campus program; specifying program criteria for participating schools; authorizing schools to partner with school districts to meet such criteria; requiring the State Board of Education to adopt rules.

Section 2. Provides an effective date of July 1, 2021.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill has an indeterminate fiscal impact on school districts.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts establishing Purple Star Campuses may need to expend funds to meet the requirements set forth by the DOE. As the final requirements for the program will be established in rule, the fiscal impact of the bill is indeterminate.<sup>37</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the Purple Star Campus program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2021, the Secondary Education & Career Development Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from HB 429 in the following ways:

- creates s. 1003.051 Purple Star Campuses rather than s. 1003.055 Purple Star School Program;
- defines the term “military student”;
- removes the annual reporting requirement;
- removes language that designation as a Purple Star School does not constitute final agency action that is subject to appeal under chapter 120;
- permits a school to partner with a school district to procure professional development and other necessary assistance for the implementation of the Purple Star Campus program.

On April 1, 2021, the Local Administration & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment adds two additional eligibility requirements that a participating school must meet and requires participating schools to satisfy at least two additional eligibility requirements to support military families during their transition. The amendment also requires the State Board of Education to adopt rules to implement the program.

On April 15, 2021, the Education & Employment Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes one of the mandatory eligibility requirements that a participating school must meet and requires that additional criteria be limited to those that demonstrate a commitment to or provide critical transition supports for military-connected families.

This analysis is drafted to the committee substitute as approved by the Education & Employment Committee.

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<sup>37</sup> Department of Education, *2021 Agency Analysis for SB 938*, companion to HB 429. On file with Local Administration & Veterans Affairs Subcommittee.

