

THE FLORIDA LEGISLATURE



Wilton Simpson
President of the Senate



Chris Sprowls
*Speaker of the House of
Representatives*

March 10, 2022

The Honorable Chris Sprowls
Speaker, House of Representatives

The Honorable Wilton Simpson
President of the Senate

Dear Mr. Speaker and Mr. President:

Your Conference Committee on the disagreeing votes of the two houses on SB 2524, same being:

An act relating to education.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House recede from its Amendment 239289.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

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Representative Ardian Zika

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Senator Dennis Baxley

Senator Aaron Bean, At Large

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Senator Lauren Book, At Large

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Senator Bobby Powell, At Large

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Senator Ana Maria Rodriguez

Senator Darryl Ervin Rouson, At Large

Senator Wilton Simpson

Senator Linda Stewart, At Large

Senator Annette Taddeo

Senator Victor M. Torres

Senator Tom A. Wright

Conferees on the part of the Senate

The Conference Committee Amendment for SB 2524, relating to education funding, provides for the following:

Section 1 amends s. 435.02, F.S., to include in the definition of ‘specified agency’ in the chapter of law related to employment screening school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program.

Section 2 modifies s. 435.12, F.S., to require school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program to conduct background screenings using the Clearinghouse beginning January 1, 2023. These entities must be fully implemented into the Clearinghouse by January 1, 2024, or by a date determined by Agency for Health Care Administration (AHCA).

The AHCA must follow a staggered schedule when conducting rescreening for education entities entering the Clearinghouse:

- Employees last screened on or before June 30, 2019, must be rescreened by June 30, 2024;
- Employees last screened between July 1, 2019, and June 30, 2021, must be rescreened by June 30, 2025; and
- Employees last screened between July 1, 2021, through December 31, 2021, must be rescreened by June 30, 2026.

Section 3 amends s. 464.0195, F.S., to revise the goals of the Florida Center for Nursing. The Florida Center for Nursing must conduct a statistically valid biennial data-driven gap analysis of the healthcare workforce. The gap analysis must include the Florida Center for Nursing’s current law responsibilities to establish and maintain a database on nursing supply and demand in the state and how supply and demand impact the state’s participation in the Nurse Licensure Compact.

Section 4 amends 800.101, F.S., to provide criminal penalties for certain individuals for failing to report certain offenses against students by authority figures. A person commits a first degree misdemeanor if the person knowingly or willingly:

- Fails to make a report regarding an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student;
- Submits false, inaccurate, or incomplete information while reporting an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student; or
- Coerces or threatens another person with the intent to alter his or her testimony or written report regarding an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student.

Section 5 amends s. 943.0585, F.S., to prohibit individuals seeking employment in school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School,

virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program from denying or failing to acknowledge arrests covered by an expunged record.

Section 6 amends s. 943.059, F.S., to prohibit individuals seeking employment in school districts, lab schools, the Florida School for the Deaf and the Blind, the Florida Virtual School, virtual instruction providers, charter schools, hope operators, and private schools participating in an educational scholarship program from denying or failing to acknowledge arrests covered by a sealed record.

Section 7 modifies s. 1001.51, F.S., to require school district superintendents to maintain records of any determination to withhold from a parent information regarding the provision of any services to support the mental, physical, or emotional well-being of the parent's minor child. Any determination must be child-specific and must be annually reviewed.

Sections 8 and 9 amend s. 1001.92, F.S., to modify the criteria for awards under the State University System Performance-Based Incentive. The graduation rate for associate in arts transfer students is changed, for the 2022-2023 fiscal year, from a 2-year rate to a 3-year graduation rate. In addition, a new criterion is added to specify that any institution that has been found to have a substantiated violation of the anti-discrimination principles of individual freedom specified in s. 1000.05(4)(a), F.S., (contingent upon CS/HB 7 becoming law) is ineligible to receive performance funding during the next fiscal year following the year in which the violation is substantiated. Substantiated findings are those as determined by a court of law, a standing committee of the Legislature, or the Board of Governors.

Section 10 amends s. 1002.31, F.S., which modifies provisions related to controlled open enrollment and requires school districts and charter schools to identify and disclose on their websites the capacity for its schools, by grade level, and to update such data every 12 weeks. Each virtual charter school and each school district with a contract with an approved virtual instruction provider must determine capacity based upon specified enrollment requirements. In addition, each district school board must adopt by rule and post on its website the process required to participate in controlled open enrollment. School districts must maintain a wait list of students who are denied access due to capacity and notify parents and accept students when capacity becomes available.

Section 11 amends s. 1002.33, F.S., which modifies provisions related to charter schools and requires the Department of Education to develop a standard virtual charter school contract and renewal contract for use by the school district and the virtual charter school. A virtual charter school must comply with applicable controlled open enrollment requirements.

Section 12 amends s. 1002.394, F.S., which modifies provisions related to the Family Empowerment Scholarship program and increases the base eligibility from 20,000 to 26,500 beginning in the 2022-2023 school year for the unique ability scholarship option. The act

maintains the current annual growth rate, however the growth rate goes into effect in the 2023-2024 school year rather than the 2022-2023 school year. The act maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility, but removes the requirement that the cross-check be completed before to the distribution of each quarterly scholarship payment. The act adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations and recalculate the Florida Education Finance Program allocation for school districts upon completion of the cross-check. The act also modifies conditions for a student to be eligible for a scholarship outside of the maximum number of students authorized to participate in the program and increases the transportation scholarship option from \$750 to the per student amount expended by the school district on students riding a bus, whichever is greater.

Section 13 amends s. 1002.395, F.S., which modifies provisions related to the Florida Tax Credit Scholarship program and maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility, but removes the requirement that the cross-check be completed before to the distribution of each quarterly scholarship payment and adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations upon completion of the cross-check. The act increases the transportation scholarship option from \$750 to the per student amount expended by the school district on students riding a bus, whichever is greater. The act also authorizes administrative expenses to include specified transportation programs.

Section 14 amends s. 1002.40, F.S., which modifies provisions related to the Hope Scholarship program and maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility, but removes the requirement that the cross-check be completed before to the distribution of each quarterly scholarship payment and adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations upon completion of the cross-check.

Section 15 modifies s. 1002.411, F.S., to align the eligibility for Reading Scholarship Accounts to that of the New Worlds Reading Initiative to now apply to students enrolled in a public school in kindergarten through grade 5, rather than students in grades 3 through 5, who have a substantial reading deficiency identified under s. 1008.25(5)(a), F.S., or who scored below a level 3 on the statewide, standardized English Language Arts assessment in the prior school year.

The act allows instructional personnel to provide services to students receiving a Reading Scholarship Account on the school campus outside of regular work hours.

Section 16 amends s. 1002.421, F.S., to conform provisions to changes made by the act.

Section 17 amends s. 1002.45, F.S., which modifies provisions related to virtual instruction programs (VIP) and authorizes an approved VIP provider to enroll students residing in the school district executing the contract with the provider as well as students in other school districts

throughout the state pursuant to the controlled open enrollment requirements. The act requires all VIPs to operate under its own Master School Identification Number as prescribed by the Department of Education, and requires approval of a VIP provider by the State Board of Education. In addition, the act modifies specified accountability and compliance requirements that an approved provider must meet to maintain approval.

The act also aligns the calculation methodology for determining the amount of funds that district virtual full time equivalent (FTE) students receive in the Florida Education Finance Program (FEFP) with the FEFP calculation methodology for students enrolled and reported by the Florida Virtual School, and specifies that only state FEFP funds can be used for out-of-district virtual FTE students enrolled in a school district VIP.

Section 18 amends s. 1002.455, F.S., which modifies provisions related to eligibility for K-12 virtual instruction and clarifies that school districts must comply with specified enrollment requirements established in law.

Section 19 amends s. 1002.81, F.S., to conform provisions to changes made by the act.

Section 20 amends s. 1002.82, F.S., requiring the Department of Education to establish procedures for the calculation of the prevailing market rate and the annual collection of data; conforming cross-references to changes made by the act.

Section 21 amends s. 1002.84, F.S., establishing the distribution methodology that early learning coalitions must use to distribute school readiness program funds to eligible providers; providing requirements for early learning coalitions.

Section 22 amends s. 1002.85, F.S., revising the requirements for the school readiness program plan submitted to the Department of Education by early learning coalitions.

Section 23 amends s. 1002.87, F.S., to conform provisions to changes made by the act.

Section 24 amends s. 1002.89, F.S., providing for the determination of the school readiness program funding for early learning coalitions; providing requirements for such funding calculations.

Section 25 amends s. 1002.895, F.S., providing for the determination of the market rate schedule; requiring the Department of Education to establish procedures for the annual collection of specified data; requiring the Department of Education to provide certain data to the Early Learning Programs Estimating Conference.

Section 26 creates s. 1002.90, F.S., requiring the principals of the Early Learning Programs Conference to develop the official cost of care information; providing requirements for conference principals; requiring the Department of Education to provide conference principals

with specified data; requiring the conference to annually provide the official cost-of-care information to the Legislature by a specified date.

Section 27 amends s. 1002.92, F.S., requiring certain child care facilities to annually provide specified data to the statewide child care and resource and referral network.

Section 28 amends s. 1002.995, F.S., to require, subject to an appropriation, the Department of Education to provide incentives to school readiness personnel and Voluntary Prekindergarten Education Program (VPK program) instructors who possess a reading certification or endorsement or a literacy micro-credential and teach students in the school readiness program or the VPK education program.

Section 29 modifies s. 1003.485, F.S., to add to the purposes of the New Worlds Reading Initiative and responsibilities for the administrator. In addition to current law which requires students to be provided options for book topics or genres at the beginning of each school year, the act requires students to be provided the options upon enrollment. The act also:

- Defines “micro-credential” as evidence-based professional development activities that are competency-based, personalized, and on-demand.
- Requires educators to demonstrate their competence via evidence submitted and reviewed by trained evaluators.
- Maintains the purpose of the New Worlds Reading Initiative to improve literacy skills and instill a love of reading by providing high quality books to students in kindergarten through grade 5 who are reading below grade level and redefines the New Worlds Reading Initiative to also include:
 - Improving the literacy skills of students kindergarten through grade 12.
 - The provision of high-quality, free books to students.
 - New World Reading Scholarship Accounts.
 - The New Worlds Scholar program, which rewards high school students who instill a love of reading and improve the literacy skills of students in kindergarten through grade 3
 - The micro-credential program which emphasizes strong core instruction and a tiered model of reading interventions for struggling readers.
 - Incentives to reward educators who earn a micro-credential or reading endorsement and provide intensive interventions to students who struggle with reading.
- Adds to existing responsibilities of the administrator of the New Worlds Reading Initiative that the administrator must:
 - Provide to teachers professional development and resources that correlate with the books provided through the initiative.
 - Develop micro-credentials that require teachers to demonstrate competency to diagnose literacy difficulties and determine the appropriate range of literacy interventions, use evidence-based instructional and intervention practices, including evidence-based reading strategies identified by the Just Read, Florida! Office, and effectively use progress monitoring and intervention materials.

Section 30 modifies s. 1003.498, F.S., which specifies that funding for virtual courses must shall be as provided pursuant to the methodology established in the amendment.

Section 31 modifies s. 1003.52, F.S., to require that eligible students enrolled in a juvenile justice education program be funded the same as students enrolled in a traditional public school funded in the Florida Education Finance Program (FEFP) and as specified in the General Appropriations Act.

Section 32 amends s. 1003.621, F.S., to conform provisions to changes made by the act.

Section 33 amends s. 1004.015, F.S., to revise the duties of the Florida Talent Development Council (FTDC). The act adds additional data that must be collected as part of the 10-year trend information on nursing education programs, including the outcomes of the Linking Industry to Nursing Education (LINE) Fund under s. 1009.896, F.S., or the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund under s. 1009.897, F.S., and the outcomes of graduates who received nursing student loan forgiveness.

Section 34 amends s. 1004.04, F.S., to revise program evaluation criteria for teacher preparation programs to remove subgroup performance on statewide, standardized assessments and teacher retention and replace it with candidate readiness based on Florida Teacher Certification Examination (FTCE) passage rates and provide additional weight for placement in teacher shortage areas.

Section 35 creates s. 1004.6496, F.S., to authorize the Board of Trustees of the University of Florida to use funds provided in the General Appropriations Act to establish the Hamilton Center for Classical and Civic Education as an academic unit within the University of Florida. The purpose of the center is to support teaching and research concerning the ideas, traditions, and texts that form the foundations of western and American civilization.

Section 36 amends s. 1004.85, F.S., to revise the uniform core curricula for teacher preparation programs to include strategies that support evidence-based, standards-aligned content and grading practices. It authorizes the State Board of Education (SBE) to weight certain evaluation criteria and approve programs based on national accreditation. The act requires the SBE to adopt criteria for streamlining evaluations for small programs. The act requires that, beginning with candidates entering a program in the 2023-2024 school year, candidates in a traditional preparation program complete 60 hours of field experience before participating in a culminating field experience and candidates in an educator preparation institute complete a period of field experience as determined by SBE rule before becoming the teacher of record.

Section 37 amends s. 1006.12, F.S., to conform provisions to changes made by the act.

Section 38 amends s. 1006.22, F.S., which modifies provisions related to the safety and health of students being transported and expands flexibility for use of motor vehicles other than school buses.

Section 39 amends s. 1006.27, F.S., which modifies provisions related to pooling of school buses and related purchases by district school boards and establishes the Driving Choice Grant Program with the Department of Education to improve access to reliable and safe transportation for students participating in public educational school choice and to support innovative solutions that increase the efficiency of public school transportation.

Section 40 amends s. 1006.73, F.S., by requiring the Florida College System (FCS), State University System (SUS), and Florida Postsecondary Academic Library Network to provide specified support for certain open education resources (OER). The section requires the chancellors of the FCS and SUS to collaborate and take the lead in identifying and developing processes to coordinate and support the adaptation or development of OER. The section establishes the Student Open Access Resources (SOAR) Repository, a statewide, searchable database of open education resources. Additionally, the section establishes the SOAR Grant Program providing funding support to FCS and SUS institutions for the development and curation of open education resources and for migrating existing content to the SOAR Repository.

Section 41 amends s. 1007.271, F.S., to specify that instructional materials for use in dual enrollment courses must be made available to all participating students free of charge, rather than only to public school students. This is consistent with the provisions in s. 1009.30, F.S., relating to reimbursements for instructional materials under the Dual Enrollment Scholarship Program.

Section 42 creates s. 1007.36, F.S., to establish the Inclusive Transition and Employment Management (ITEM) Program and authorize financial support for the program that provides services to young adults with disabilities with transitional skills, education, and on-the-job experience to allow them to gain and retain employment.

Section 43 amends s. 1008.33, F.S., to codify current practice that requires a school that initially receives a grade of “D” to begin implementing intervention and support strategies authorized in State Board of Education rule. Any school receiving an initial grade of “F” or two consecutive grades of “D” must continue to initiate the school improvement turnaround process, but may submit a turnaround plan prior to earning a second consecutive grade of “D.” Additionally, the act provides school districts flexibility in implementing an external operator turnaround option by specifying services that may be contracted, including the option to contract with a charter school network as the external turnaround contractor. A school district and an outside entity that enter in a performance-based contract must establish the contract for a minimum of 2 years.

Section 44 amends s. 1008.34, F.S., to require the State Board of Education to annually review the school grading scale and to adjust the grading scale when more than 75 percent of schools of a school type (i.e. elementary, middle, high, or combination schools) receive a grade of “A” or

“B.” The adjustment must raise the minimum number of percentage points required for each grade to the next closest number ending in 5 or 0. The annual adjustments must be suspended upon the achievement upon a grading scale for each school type as specified in the act.

Section 45 creates an unnumbered section of law requiring the Department of Education (DOE) to collect from each school district the range and median number of minutes, per school year, of time spent testing on district-required assessments and state-required assessments for students in grade PreK-5. The DOE must submit a report, annually, beginning January 1, 2023 through January 1, 2025, of the information collected from school districts and provide recommendations to minimize duplicative testing.

Section 46 amends s. 1009.26, F.S., to increase the number of waiver-eligible Programs of Strategic Emphasis (PSE) from eight to 10. Beginning in the 2022-2023 academic year, students will be eligible to receive the tuition and fee waiver in two additional PSE, specifically in the critical workforce gap analysis category, as adopted by the Board of Governors.

Section 47 amends s. 1009.30, F.S., to modify reimbursements under the Dual Enrollment Scholarship Program. The act modifies the timeline for reporting dual enrollment students and for reimbursements to specify that a postsecondary institution must report students within 30 days after the end of regular registration, and reimbursements must be distributed no later than 30 days after the end of the term.

Section 48 modifies s. 1009.89, F.S., to require each institution eligible to receive funds under the Effective Access to Student Education Grant Program to post prominently on its website, by October 1 of each year, its performance on the metrics specified in law, as reported to the department.

Section 49 modifies s. 1009.895, F.S., to expand the list of institutions eligible for the Open Door Grant Program to include school districts with eligible integrated education and training programs. Additionally, the act removes the requirement that students must complete a yearly Free Application for Federal Student Aid to be considered eligible for the Open Door Grant Program. Lastly, the act provides that an institution may cover the student’s one-third of the cost of the program, based on student need, as determined by the institution.

Section 50 creates s. 1009.896, F.S., to establish the Linking Industry to Nursing Education (LINE) Fund, a competitive grant program that provides matching funds, on a dollar-to-dollar basis, to participating institutions that partner with a healthcare provider to recruit faculty and clinical preceptors, increase capacity of high-quality nursing education programs, and increase the number of nursing education program graduates who are prepared to enter the workforce. The act also specifies institution eligibility and participation requirements, including reporting requirements. Additionally, the sections requires the Board of Governors and the State Board of Education to adopt regulations and rules, respectively, to administer the LINE Fund.

Section 51 creates s. 1009.897, F.S., to establish the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund to reward school districts, Florida College System (FCS) institutions, and State University System (SUS) institutions that meet nursing education program performance metrics.

Section 52 modifies s. 1010.20, F.S., to increase the percent of funds that a school district must spend for juvenile justice programs, from 90 to 95 percent of the funds generated by such programs.

Section 53 amends s. 1011.48, F.S., to specify that the fees for a university educational research center for child development are determined by the university board of trustees, and are not required to be approved by the Board of Governors.

Section 54 modifies s. 1011.62, F.S., to include the district cost differential in the formula on determining the basic amount for current operation to be included in the Florida Education Finance Program. The act also increases from 24,000 to 30,000 the upper limit of school district full-time equivalent membership for that district to be eligible for the sparsity supplement. The act also provides schools flexibility in using funds from the evidence-based reading instruction allocation. The act:

- Removes the specific requirement for the 300 lowest performing schools to use the allocation to provide an additional hour of intensive reading instruction. The act provides flexibility for all schools to provide additional time per day in intensive reading instruction.
- Clarifies that reading coaches must be certified or endorsed in reading.
- Provides flexibility for professional development options by authorizing school boards to use funds from the allocation to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program (FEFP) earn a certification, a credential, an endorsement, or advanced degree in scientifically researched and evidence-based reading instruction.
- Authorizes teachers or other district personnel who possess an early literacy micro-credential to teach summer camps for students in kindergarten through grade 5. The act does not modify the requirement that a retained grade 3 student in a summer reading camp be provided instruction by a teacher who is certified or endorsed in reading.
- Removes the requirement that scientifically researched and evidence-based supplemental instructional materials purchased with allocation funds must be identified by the Just Read, Florida! Office.
- Authorizes allocation funds to be used for incentives for instructional personnel and certified prekindergarten teachers funded in the FEFP who possess a reading certification or endorsement or a literacy micro-credential and provide educational support to improve student literacy.
- Authorizes allocation funds to be used to provide tutoring in reading.
- Authorizes intensive reading interventions to be provided by instructional personnel who possess a literacy micro-credential.

The act removes the requirement for the Department of Education to prescribe the format for and approve district comprehensive reading plans. The act requires school districts to submit a comprehensive reading plan, approved by the applicable district school board, charter school governing board, or lab school board of trustees, in consultation with the State Regional Literacy Director, for the specific use of the evidence-based reading instruction allocation.

The act provides that instructional personnel who possess a literacy micro-credential and are delivering intensive reading interventions must be supervised by an individual who is certified or endorsed in reading. The act specifies that “supervision” means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.

Section 55 amends s. 1011.68, F.S., to expand the use of transportation funds to specify that student transportation funds may be used to pay for specified alternative vehicles when a school bus is impractical, or to support parents or carpools.

Section 56 amends s. 1011.71, F.S., to conform provisions to changes made by the act.

Section 57 amends s. 1012.22, F.S., to require that any compensation for longevity of service awarded to instructional personnel who are not on a performance pay salary schedule must be used in the calculation of salary adjustments for highly effective or effective teachers.

Section 58 amends s. 1012.315, F.S., to clarify that a person is prohibited from becoming certified as a teacher if he or she is ineligible for an exemption from a disqualifying offense under s. 435.07, F.S., which enumerates eligibility for exemptions.

Section 59 modifies s. 1012.32, F.S., to revise the procedure for background screenings, remove the right to appeal certain terminations, and revise provisions specifying financial responsibility and reimbursement for background screenings. Because charter schools will conduct background screenings using the Clearinghouse, the requirement that a district school board reimburse a charter school for the cost of background screening if the district school board fails to notify the charter school of eligible personnel or board members within a specified number of days is repealed.

Section 60 requires that the changes to s. 1012.315, F.S., apply to individuals who are screened after January 1, 2024.

Section 61 amends s. 1012.34, F.S., to clarify that the procedures established by the district school superintendent to evaluate the performance of instructional, administrative, and supervisory personnel are the standards of service to be offered to the public and are not subject to collective bargaining.

Section 62 modifies s. 1012.465, F.S., which modifies background screening requirements for noninstructional personnel to conform to screening provisions established in this act.

Section 63 amends s. 1012.467, F.S.; to require that certain noninstructional personnel complete specified background screening.

Section 64 amends 1012.56, F.S.; to prohibit certain persons from having specified responsibilities before the results of a background screening are available.

Section 65 specifies that the changes to ss. 1012.32 and 1012.56, F.S., must be implemented by January 1, 2024, or by a date set by the Agency for Health Care Administration.

Section 66 amends s. 1012.584, F.S., to conform provisions to changes made by the act.

Section 67 creates s. 1003.4204, F.S., to establish the Safer, Smarter Schools Program (program), which is intended to implement the revised Health Education standards established in the required instruction specified in law. The program curriculum is a comprehensive personal safety curriculum that helps support students in the attainment of learning protective principles to help keep them safe from abuse and exploitation.

Section 68 amends s. 1013.40, F.S., to increase the number of beds from 300 to 340 that may be constructed for dormitories at a Florida College System (FCS) institution within a municipality designated as an area of critical state concern. It also allows the FCS institution to construct an additional 25 beds for employees, educators and first responders.

Section 69 provides an effective date of July 1, 2022, except as otherwise provided.