

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1430

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Education; and Senator Avila

SUBJECT: Education

DATE: April 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Fav/CS
3.	<u>Sagues</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1430 adds and revises a number of requirements relating to teacher preparation programs, educator certification, and teacher and administrator professional development.

The bill modifies Florida's teacher preparation programs by:

- Requiring each educator preparation institute (EPI) to include scientifically based reading instruction, content literacy, and mathematical practices for each subject identified on the statement of eligibility or temporary certificate; and requiring EPI candidates to demonstrate competency and participate in field experiences that are relevant to their individual educational plan;
- Expanding initial teacher preparation programs' core curricula to include instructional practices to support effective, research-based assessment and grading practices aligned to the state's academic standards; and
- Separating, and renaming Professional Learning Certification Programs and Professional Education Competency Programs; and providing the State Board of Education with rulemaking authority to establish the criteria for the review and approval of Professional Learning Certification Programs.

The bill modifies teacher training by requiring a system-wide shift from professional development to professional learning by:

- Defining the requirements for professional learning;
- Requiring all inservice activities to meet specific criteria;

- Requiring external professional learning providers to meet specific criteria;
- Authorizing administrators' to visit and observe classroom teachers throughout the year to provide mentorship, training, instructional feedback, or professional learning;
- Requiring the Department of Education (DOE) to create a high-quality marketplace to aid in the identification of high-quality programs and resources; and requiring the DOE to review and approve professional learning systems every 5 years.

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

The bill also includes a number of other provisions relating to K-12 public schools. The bill:

- Authorizes the credit requirement in fine arts, speech and debate, or practical arts for high school graduation may be satisfied by one credit in career and technical education.
- The bill adds an additional measure to the school grades formula to include student results on the grade 3, standardized English Language Arts (ELA) assessment.
- Authorizes the Classic Learning Test (CLT) as an option for districtwide administration for students in grade 11, and incorporating the CLT in Bright Futures Scholarship eligibility.
- Adds Advanced Courses as an articulated acceleration mechanism.
- Authorizes Bright Futures students to combine volunteer and paid work hours to meet initial eligibility requirements.
- Adds a rebuttable provision within school district zero tolerance policies to protect students, and provides for privacy of student personal belongings during a search.
- Authorizes a charter school to issue an adjunct teaching certificate, and modifies charter capital outlay funding eligibility requirements.
- Authorizes a district school board with an appointed superintendent to review and reappoint any member of the district executive staff.
- Creates the Year-round School Pilot Program, established for a period of four years.
- Specifies concordant and comparative passing scores required for students graduating in 2022-2023 who have not yet earned passing scores on required assessments.
- Requires instruction on Asian American and Pacific Islander history with specified topics.
- Requires each school district to annually review and confirm that all reproductive health and disease information available on the district website are accurate and up-to-date.
- Authorizes a student to possess and use over the counter headache medication on school property or at a school-sponsored event.-

The bill revises requirements for postsecondary institutions by:

- Requiring the institution under the jurisdiction of the Commission for Independent Education (CIE) solicits enrollment to provide in writing certain information to the prospective student.
- Authorizing the CIE to examine an investigate affairs related to unfair or deceptive practices.
- Establishing additional accountability and reporting provisions for CIE-licensed institutions.
- Requiring all programs offered by a licensed institution be approved by the CIE, and requiring an institution to become accredited prior to offering a nursing program.

The fiscal impact of the bill is indeterminate. See Section V.

The bill has an effective date of July 1, 2023.

II. Present Situation:

The Present Situation is presented under Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

Teacher Preparation Programs

Present Situation

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

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

- Initial Teacher Preparation programs requiring candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.
- Educator Preparation Institutes (EPs) offering alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- District Professional Development Certification and Education Competency Programs: cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.³ In addition to completing the district program, candidates must demonstrate mastery of general knowledge⁴ and subject area knowledge.⁵

¹ Section 1004.04(1)(b), F.S.

² See Florida Department of Education (DOE), *Educator Preparation*, <https://www.fldoe.org/teaching/preparation/> (last visited Mar.22, 2023). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

³ Florida DOE, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Mar. 15, 2023). See also rule 6A-5.066, F.A.C.

⁴ See Florida DOE, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Mar. 22, 2023).

⁵ Florida DOE, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Mar. 22, 2023).

Teacher Preparation Program Uniform Core Curricula

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

The State Board of Education (SBE) must establish, in rule, uniform core curricula for each state-approved teacher preparation program including, but not limited to:

- Candidate instruction and assessment in the Florida Educator Accomplished Practices (FEAP) across content areas;
- 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;
- Content literacy and mathematical practices;
- Strategies appropriate for instruction of English language learners;
- Strategies appropriate for instruction of students with disabilities;
- Strategies to differentiate instruction based on student needs;
- Strategies and practices to support evidence-based content aligned to state standards and grading practices;
- Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support; and
- Strategies to support the use of technology in education and distance learning.⁷

In addition, before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area(s) of program concentration during a prekindergarten through grade 12 field experience and must pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area(s) of program concentration.⁸

Educator Preparation Institutes (EPIs)

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

- Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;
- Instruction to assist potential and existing substitute teachers in performing their duties;
- Instruction to assist paraprofessionals in meeting education and training requirements;
- Instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase routes to the classroom for mid-career professionals; and

⁶ Section 1004.04(2)(c), F.S.

⁷ Section 1004.04(2)(b), F.S.

⁸ Section 1004.04(2)(d), F.S.

- Instruction and professional development for part-time and full-time non-degreed teachers of career programs.⁹

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other state recipients of the provider's services and data showing the successful performance of completers based upon student achievement.¹⁰

Each EPI participant must:¹¹

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

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

Each approved institute must submit annual performance evaluations to the DOE that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and satisfaction surveys of employers and program completers. The satisfaction surveys must be designed to measure the sufficient preparation of the educator for the realities of the classroom and the institute's responsiveness to local school districts. These evaluations must be used by the DOE for purposes of continued approval of an EPI's certification program.¹³

Professional Development Certification and Education Competency Programs

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

- A minimum period of initial preparation before becoming the teacher of record;
- An option to collaborate with other agencies or educational entities for implementation;

⁹ Section 1004.85(2)(a), F.S.

¹⁰ Section 1004.85(2)(b), F.S.

¹¹ Section 1004.85(3)(b), F.S.

¹² Section 1004.85(4), F.S.

¹³ Section 1004.85(5), F.S.

- A teacher mentorship and induction component;
- An assessment of teaching performance aligned with the district's personnel evaluation system;
- Professional educational preparation content knowledge which must be included in the mentoring and induction activities;
- Required passing scores on the general knowledge, subject area and the professional education competency test; and
- Completion of all competencies for a reading endorsement for all candidates for certification in coverage areas that include reading instruction or interventions in kindergarten through grade 6.¹⁴

As required by law, the DOE adopted, effective January 1, 2018, standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component.¹⁵ The standards for the teacher mentorship and induction component must include:¹⁶

- Program administration and evaluation;
- Mentor roles, selection, and training;
- Beginning teacher assessment and professional development; and
- Teacher content knowledge and practices aligned to the FEAP.

Each school district, charter school, or charter management organization, wishing to provide a professional preparation and competency program must submit its program, including the teacher mentorship and induction component, to the DOE for approval.

Effect of Proposed Changes

The bill modifies s. 1004.04, F.S., to add strategies and practices to support effective, research based assessment and grading practices aligned to the state's academic standards to the list of uniform core curricula topics that must be included in teacher preparation programs.

The bill modifies s. 1004.85, F.S., to eliminate redundancy in EPI instruction provided to candidates that are already embedded in the FEAP and clarifies that candidates must demonstrate competency and participate in field experiences that are appropriate to his or her individual educational plan at the institute.

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

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

¹⁴ Section 1012.56(8)(a)1.-7., F.S.

¹⁵ See rule 6A-5.066, F.A.C.

¹⁶ Section 1012.56(8)(c), F.S.

In addition, the bill separates, and renames the two alternative certification pathways offered by school districts, charter schools, and charter management organizations: Professional Learning Certification Programs and Professional Education Competency Programs:

- Professional Learning Certification Programs are developed by the DOE and include a teacher mentorship and induction component to ensure candidates receive timely coaching and feedback to improve practice. The bill provides for mentor activities to be routine and requires all professional learning to be in alignment with the professional learning criteria.
- Professional Education Competency Programs are developed by school districts by which members of the instructional staff may demonstrate mastery of professional preparation and educator competence as required by law. Each program must be based on classroom application of the FEAP and instructional performance and, for public schools, must be aligned with the district's evaluation system. The bill authorizes the commissioner to determine the continued approval of programs, based on the DOE's review of performance data, as a part of the periodic review of district professional learning systems.

Educator Certification

Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.¹⁷ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.¹⁸ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”¹⁹

To be eligible for an educator certificate, an individual must meet the following eligibility requirements:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning²⁰ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;²¹
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.²²

¹⁷ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁸ Sections 1012.55(1)(b), F.S.

¹⁹ Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

²⁰ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Institutional Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional (last visited Mar. 15, 2023).

²¹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). Section 1012.56(2)(c), F.S.

²² Section 1012.56(2)(a)-(f), F.S.

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

- Professional Certificate: Florida's highest type of full-time educator certification;²³ valid for 5 years and renewable.²⁴
- Temporary Certificate: covers employment in full-time positions for which educator certification is required;²⁵ generally valid for 3 years and nonrenewable.²⁶
- Athletic Coaching Certificate: covers full-time and part-time employment as a public school athletic coach;²⁷ includes two types of athletic coaching certificates – one is valid for 5 years and may be issued for subsequent 5-year periods while the other is valid for 3 years and may be issued only once.²⁸

An applicant seeking a professional certification must:

- Meet the basic eligibility requirements for certification;
- Demonstrate mastery of general knowledge, if the person serves as a classroom teacher;
- Demonstrate mastery of subject area knowledge; and
- Demonstrate mastery of professional preparation and education competence.²⁹

A professional certificate is renewable for successive periods of 5 years,³⁰ but may be extended by:

- One year due to serious illness or injury of the applicant or other extraordinary extenuating circumstances; or
- A period of time equal to the active duty status for any person who volunteers or is called into wartime or required peacetime military service.³¹

An applicant seeking a temporary certification must:

- Meet the basic eligibility requirements for certification;³²
- Obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;³³ and

²³ Rule 6A-4.004(3), F.A.C.

²⁴ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(d), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(4), F.A.C.

²⁵ Rule 6A-4.004(1)(a)2., F.A.C.

²⁶ Section 1012.56(7)(e), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. The veteran's pathway to educator certification authorizes a 5 year nonrenewable temporary certificate. Section 1012.56(7)(e)2., F.S. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c), F.S.

²⁷ Section 1012.55(2)(a), F.S.

²⁸ Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

²⁹ Section 1012.56(2), F.S.; Florida DOE, *General Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Mar. 22, 2023) and Florida DOE, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.stml> (last visited Mar. 22, 2023).

³⁰ Section 1012.585, F.S.

³¹ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C.

³² Section 1012.56(2)(a)-(f) and (7)(b), F.S.

³³ Section 1012.56(1)(b), F.S.; Rule 6A-4.004(1)(a), F.A.C.

- Do one of the following:
 - Demonstrate mastery of subject area knowledge;³⁴ or
 - Complete the required degree or content courses specified in state board rule for subject area specialization and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.³⁵

To qualify for a temporary certificate, an applicant must meet subject area specialization requirements in at least one subject. Each subject area has specific degree or course requirements set in SBE rule,³⁶ and select subject areas including Reading, Speech-Language Impaired, School Counseling, School Psychology, and School Social Work require a master's or specialist degree.³⁷

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

A temporary certificate may be extended by 2 years if the requirements for the professional certificate, other than the general knowledge requirement, have not been met due to serious illness or injury of the applicant, military service by the applicant's spouse, or other extraordinary extenuating circumstances; or, the certificate holder is rated highly effective in the immediate year's performance evaluation or has completed a 2-year mentorship program.³⁸

Renewal of Professional Certificates

A professional certificate must be renewed every 5 years.³⁹ An educator must submit an application,⁴⁰ pay a fee,⁴¹ and earn at least six college credits or 120 inservice points, or a combination of both, during each 5-year validity cycle to renew his or her professional certification. At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.

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

For professional certificates with specialization areas that include reading instruction or intervention for students in kindergarten through grade 6 and a beginning validity date on or after

³⁴ Section 1012.56(7)(b), F.S.; Florida DOE, *Subject Area Knowledge* <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Mar. 15, 2023).

³⁵ Section 1012.56(2)(c), F.S.

³⁶ Section 1012.56(7)(b), F.S.

³⁷ Florida DOE, Educator Certification, *Certificate Subjects*, <https://www.fldoe.org/teaching/certification/certificate-subjects/#degreed> (last visited Mar. 15, 2023).

³⁸ Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

³⁹ Section 1012.585(2)(a), F.S.

⁴⁰ Rule 6A-4.0051(3)(c), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

⁴¹ Rules 6A-4.0051(3)(c) and 6A-4.0012(1)(b)1., F.A.C

July 1, 2020, educators must complete two college credits or the equivalent amount of inservice points in specific reading instruction and intervention strategies for renewal of coverages specified in state board rule.

Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule. Certification by the National Board for Professional Teaching Standards is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁴²

Adjunct Teaching Certificates

In addition to the certifications issued by the DOE, school districts are authorized to issue adjunct teaching certificates to instructional staff who have expertise in the subject area to be taught. To be eligible for an adjunct certificate, an applicant must meet all general requirements for educator certification and demonstrate expertise in the area to be taught by passing a subject-area test. A school district may issue an adjunct teaching certificate for a part-time or full-time teaching position.⁴³

An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁴⁴ An additional annual certification and an additional annual contract may be awarded at the discretion of the school district, but only if the applicant is rated effective or highly effective during each year of teaching under adjunct certification.⁴⁵ An adjunct teaching certificate issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable.⁴⁶ School districts are required to:⁴⁷

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

Effect of Proposed Changes

The bill modifies s. 1012.56, F.S., to extend the validity period of a temporary teaching certificates from 3 years to 5 years. Accordingly, the bill removes the authorization for the DOE to extend the validity period of a temporary certificate.

The bill expands eligibility for a temporary teaching certification to candidates who are currently enrolled in a state-approved teacher preparation program, are actively completing the required program field experience or internship at a public school, completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge, and can provide documentation of completion of 60 college credits with a minimum cumulative

⁴² Section 1012.585, F.S.; rule 6A-4.0051(1)(c), F.A.C.

⁴³ Section 1012.57, F.S.

⁴⁴ Section 1012.57(4), F.S.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Section 1012.57(6)(a)-(b), F.S.

grade point average of 2.5 on a 4.0 scale as provided by one or more accredited institutions of higher learning identified by the DOE.

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

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

Professional Development

Traditional professional development is differentiated from professional learning, which is intended to result in system-wide changes in student outcomes. Professional development is usually associated with one-time workshops, seminars, or lectures that are one-size-fits-all. Professional learning is typically interactive, ongoing, and tailored to the needs of educators. This approach encourages educators to take ownership of learning and apply what they've learned in different contexts.⁴⁸

Present Situation

Professional Development Systems

Current law requires school districts to develop a professional development system in consultation with classroom teachers, state colleges and universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁴⁹

Among other things, the professional development system must:

- Support and increase the success of educators through collaboratively developed school improvement plans;
- Assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels, and that prepare students for success at subsequent educational levels and the workforce;
- Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance; and

⁴⁸ IES REL Regional Educational Laboratory Program, *Distinguishing Professional Learning from Professional Development*,

https://ies.ed.gov/ncee/edlabs/regions/pacific/blogs/blog2_DistinguishingProfLearning.asp#:~:text=Professional%20development%2C%20which%20%E2%80%9Chappens%20to%E2%80%9D%20teachers%2C%20is%20often,typically%20interactive%2C%20sustained%2C%20and%20customized%20to%20teachers%27%20needs. (last visited Mar. 23, 2023).

⁴⁹ Section 1012.98(4)(b), F.S.

- Provide training to teacher mentors as part of professional development certification and education competency programs.⁵⁰

Each school district professional development system must:⁵¹

- Be reviewed and approved by the DOE.
- Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students.
- Provide inservice activities coupled with follow up support appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel must focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety.
- Provide inservice activities and support targeted to the individual needs of teachers.
- Include a master inservice plan, or professional learning catalog, that identifies the educational training programs that may generate inservice points toward recertification or add-on certification.⁵² 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.⁵³
- Include inservice activities for school administrative personnel.
- Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.
- Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.
- Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones.
- For middle grades, emphasize interdisciplinary planning, collaboration, instruction, and alignment of curriculum and instructional materials to the state academic standards.
- Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs.⁵⁴

⁵⁰ Section 1012.98(3), F.S.

⁵¹ Section 1012.98(4)(b), F.S.

⁵² Section 1012.98(4)(b)5., F.S.; Florida DOE, *Master Inservice Plans*, <http://www.fldoe.org/teaching/professional-dev/master-inservice-plans-mip.stml> (last visited Mar. 23, 2023).

⁵³ Section 1012.98(4)(b)5., F.S.

⁵⁴ Section 1012.98(4)(b), F.S.

In addition to improving school district professional development systems, 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.⁵⁵

William Cecil Golden Professional Development Program

The William Cecil Golden Professional Development Program for School Leaders is a collaborative network of state and national professional leadership organizations for school principals. The program is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers. Professional development provided through the program must be based upon the Florida Principal Leadership Standards⁵⁶ and other school leadership standards.

Effect of Proposed Changes

The bill modifies ss. 1012.98 and 1012.986, F.S. to make a number of changes to the professional development system, and changes the title to professional learning. The bill defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

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

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

The bill includes explicit training for school administrators aligned to the state's leadership standards to address the updated skills required for instructional leadership and effective school management. Furthermore, the bill modifies s. 1012.34, F.S., to authorize school administrators to visit and observe classroom teachers throughout the year to provide mentorship, training, instructional feedback, or professional learning by separating such classroom visits and observations from teacher performance evaluations. To align with this change, the William Cecil Golden Professional Development Program for School Leaders is amended to include instructional coaching as a component to support the professional growth of instructional personnel.

⁵⁵ Section 1012.98(4)(a)1., F.S.

⁵⁶ Florida DOE, *The Florida Educational Leadership Standards*, <https://www.fldoe.org/teaching/professional-dev/the-fl-ed-leadership-stands/> (last visited Mar. 16, 2023). Rule 6A-5.080, F.A.C.

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

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

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

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

Required Instruction

Present Situation

Among others topics, Florida law requires school districts to teach students certain topics relating to specific populations and their experiences, including the study of women's and Hispanic contributions to the United States, the history of the Holocaust, and the history of African Americans.⁵⁷ Instruction on the history of the Holocaust must be taught in a way that leads to an understanding of the consequences of prejudice, racism, and stereotyping, and include both current and historic examples of anti-Semitism.⁵⁸ Additionally, instruction on the history of African Americans must include the history of Africans prior to development of slavery, the passage to America, the experience of slaves, the abolition of slavery, and the contributions of African Americans to American society.⁵⁹

Asian Americans and Pacific Islanders

Asian Americans and Pacific Islanders (AAPIs) make up almost eight percent of the United States population and roughly four percent of Florida's population.⁶⁰ They are the fastest-growing major racial or ethnic group in the United States.⁶¹ More than 22 million Asians live in

⁵⁷ Section 1003.42(2), F.S.

⁵⁸ Section 1003.42(2)(g)1., F.S.

⁵⁹ Section 1003.42(2)(h), F.S.

⁶⁰ United States Census Bureau, *Race and Ethnicity in the United States: 2010 Census and 2020 Census*, <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html> (last visited April 25, 2023).

⁶¹ Pew Research Center, *Key facts about Asian origin groups in the U.S.*, <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-origin-groups-in-the-u-s/> (last visited April 25, 2023).

the United States and almost all trace their roots to specific countries or populations from East and Southeast Asia and the Indian subcontinent.⁶²

Asian/Pacific American Heritage month is celebrated every May to commemorate both the arrival of the first Japanese immigrants to the United States on May 7, 1843, and completion of the transcontinental railroad on May 10, 1869.⁶³ The majority of the workers who laid the tracks were Chinese immigrants.⁶⁴ Contributions of the AAPI community to America's rich heritage include:⁶⁵

- Birthright Citizenship: After a year-long battle between Wong Kim Ark (born in San Francisco to Chinese immigrants) and the U.S. Justice Department, the U.S. Supreme Court ruled in 1898 that children born in America to foreigners were U.S. citizens.
- Technology: Taiwanese American Jerry Yang co-founded the web portal Yahoo! and Taiwanese American Steven Chen co-founded the video-sharing platform, YouTube.
- Architecture: Chinese American I.M. Pei designed the Rock & Roll Hall of Fame and Museum in Cleveland, Ohio, and the National Gallery of Art in Washington, D.C. Japanese American Minoru designed the original World Trade Center.
- Fashion: Chinese American fashion designer Vera Wang is best known for her bridal wear.

Asian American and Pacific Islander History Education in Other States

In July 2021, during increased anti-Asian violence during the coronavirus pandemic, Illinois became the first state to require Asian American history be taught in public schools.⁶⁶ Beginning in the 2022-2023 school year, every public elementary and high school in Illinois is required to include a unit of instruction on the history of Asian Americans, including their history in Illinois and the Midwest.⁶⁷

In 2022, New Jersey became the second state to require school districts to provide kindergarten through grade 12 instruction on the history and contributions of AAPIs as part of implementation of the New Jersey Student Learning Standards in Social Studies.⁶⁸

⁶² Pew Research Center, *Key facts about Asian origin groups in the U.S.*, <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-origin-groups-in-the-u-s/> (last visited April 25, 2023).

⁶³ Asian Pacific American Heritage Month, *About Asian/Pacific Heritage Month*, <https://asianpacificheritage.gov/about/> (last visited April 25, 2023)

⁶⁴ *Id.*

⁶⁵ Food Safety and Inspection Service U.S. Department of Agriculture, *ARCHIVE: Asian American and Pacific Islander Contributions to our Nation's History*, <https://www.fsis.usda.gov/employees/employee-news-stories/archives/archive-asian-american-and-pacific-islander-contributions> (last visited February 20, 2023).

⁶⁶ EdWeek, *Illinois Becomes First State to Require Teaching Asian American History in Public Schools*, <https://www.edweek.org/teaching-learning/illinois-becomes-first-state-to-require-teaching-asian-american-history-in-public-schools/2021/07> (last visited April 25, 2023).

⁶⁷ 105 ILL. COMP. STAT. 5/27-20.8. Contributions of Asian Americans shall include those of Asian American individuals in government, the arts, humanities, and sciences, in addition to contributions of Asian American communities to the economic, cultural, social, and political development of the United States.

⁶⁸ Official Site of the State of New Jersey, *Governor Murphy Signs Legislation Ensuring AAPI-Inclusive Curriculum is Taught in New Jersey Schools*, <https://www.nj.gov/governor/news/news/562022/20220118c.shtml>, (last visited April 25, 2023).

Effect of Proposed Changes

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

Generally, the DOE adopts instructional materials for subject areas according to a 5-year rotating adoption schedule. Because the state adoption process for Social Studies is currently underway,⁶⁹ this required instruction may not be included in the instructional materials adopted by the state. However, student instruction will not be delayed.

Requirements for a High School Diploma

Present Situation

In order to be eligible for high school graduation, students must pass the statewide, standardized grade 10 ELA assessment or earn a concordant score on the SAT or ACT⁷⁰ and pass the Algebra I EOC assessment or, beginning with students entering grade 9 in the 2018-19 school year, earn a comparative score on the Math section of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), the SAT, the ACT or the Geometry EOC assessment.⁷¹

Beginning with the 2022-23 school year, an ESOL student enrolled in an ESOL program for less than 2 years who has met all requirements for graduation except passage of the must-pass assessments, can meet the requirements to pass the statewide, standardized grade 10 ELA assessment by satisfactorily demonstrating grade-level expectations on formative assessments, in accordance with SBE rule.⁷²

A student must successfully complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum to earn a standard high school diploma.⁷³ The required credits may be earned through equivalent, applied, or integrated courses or career education courses, including work-related internships approved by the SBE and identified in the course code directory. However, any must-pass assessment requirements must be met.⁷⁴

In order to earn a standard high school diploma, a student must earn:⁷⁵

- Four credits in ELA. The four credits must be in ELA I, II, III, and IV.

⁶⁹ Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2021-2022 through 2025-2026* (Jan. 24, 2022), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

⁷⁰ Section 1003.4282(3)(a), F.S.; rule 6A-1.09422(8)(a)2., F.A.C.

⁷¹ Section 1003.4282(3)(b), F.S.; rule 6A-1.09422(8)(b)2., F.A.C., (amended on August 18, 2020, to include a comparative score on the Geometry EOC assessment). Since the 2011-2012 school year, a student may also satisfy the Algebra I EOC by earning a comparative score on the Postsecondary Education Readiness Test (PERT). Rule 6A-1.09422(8)(b)1., F.A.C.

⁷² Section 1003.433(3)(b), F.S.; rule 6A-1.09422(12), F.A.C.

⁷³ Section 1003.4282(1)(a), F.S.

⁷⁴ Section 1003.4282(1)(b), F.S.

⁷⁵ Section 1003.4282(3), F.S.

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

Beginning with the cohort entering grade 9 in the 2023-2024 school year, a student must complete seven and one-half credits in electives and one-half credit in personal financial literacy in order to graduate with a standard high school diploma.⁷⁶

To graduate, a student must complete the listed criteria and earn a cumulative GPA of 2.0 on a 4.0 scale.⁷⁷ At least one course must be completed through online learning.⁷⁸ A student who earns credit upon completion of an apprenticeship or pre-apprenticeship program registered with DOE may use such credit to satisfy the high school graduation credit requirements for fine or performing arts, speech and debate or practical arts, or the high school graduation credit requirements for electives.⁷⁹

Effect of Proposed Changes

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

In addition, the bill adds an undesignated section effective upon becoming law and expiring July 1, 2025, and notwithstanding SBE rule 6A-1.09422, authorizing students who are in the 2022-2023 graduating class who have not yet earned passing scores on required assessments to meet graduation requirements may:

- Satisfy the grade 10 ELA assessment requirement through earning a specified concordant passing score on the SAT or ACT.
- Satisfy the Algebra 1 EOC assessment by earning a specified comparative passing score on the PERT, PSAT/NMSQT, the SAT or ACT or the Geometry EOC.

This provision will allow the graduating class of 2022-2023 to use 2010-2011 concordant and 2011-2012 comparative passing scores established in rule if necessary to meet graduation requirements.

⁷⁶ Section 1003.4282 (3)(g) and (h), F.S.

⁷⁷ Section 1003.4282(6)(a), F.S.

⁷⁸ Section 1003.4282(4), F.S.

⁷⁹ Section 1003.4282(8)(a)3., F.S.

Instructional Materials Related to Reproductive Health

Present Situation

School districts must provide health education instruction to Florida's students.⁸⁰ This instruction must cover, among other topics, the prevention and control of disease, prevention of child sexual abuse, exploitation, and human trafficking, teen dating violence and abuse,⁸¹ and the benefits of sexual abstinence and the consequences of teen pregnancy.⁸² Additionally, school districts may provide instruction in HIV/AIDS as part of their health education programs.⁸³ School districts must permit parents to exempt their children from instruction related to reproductive health and any disease, including HIV/AIDS.⁸⁴

Throughout instruction in acquired immune deficiency syndrome, sexually transmitted diseases, or health education, when such instruction and course material contains instruction in human sexuality, a school must:⁸⁵

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

Instructional materials used to teach reproductive health and any disease, including HIV/AIDS, must be approved annually by the district school board in an open, noticed public meeting.⁸⁶ The instructional materials must be available through a link on the school district homepage for review by parents.⁸⁷ District school boards must notify parents of the right and the process to request an exemption from reproductive health instruction and post such information on the district's website homepage.⁸⁸ As the instruction in these topics occurs over a range of grades, instruction and materials used must always be appropriate for the grade and age of the student.⁸⁹

Effect of Proposed Changes

The bill requires each school district to annually review and confirm that the reproductive health and disease information, instructional materials, parental exemption process and form, and all associated links available on the district school board website are accurate and up-to-date.

⁸⁰ Section 1003.42(2)(n), F.S.

⁸¹ Instruction in teen dating violence and abuse occurs in grades 7 through 12. Section 1003.42(2)(n)2., F.S.

⁸² Instruction in sexual abstinence and the consequences of teen pregnancy occurs in grades 6 through 12. Section 1003.42(2)(n)3., F.S.

⁸³ Section 1003.46(1), F.S.

⁸⁴ Section 1003.42(5), F.S.

⁸⁵ Section 1003.46(2), F.S.

⁸⁶ Section 1003.42(1)(b), F.S.

⁸⁷ Section 1003.42(5), F.S.

⁸⁸ Section 1002.20(3)(d), F.S.

⁸⁹ Section 1003.46(2)(d), F.S.

District school boards are required to notify parents by physical or electronic means any time revisions are made to such information.

School District Zero Tolerance Policies and Procedures

Present Situation

District school boards must promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs.⁹⁰ Zero tolerance policies must apply equally to all students regardless of their economic status, race, or disability.⁹¹ Each district school board must adopt a policy of zero tolerance that:⁹²

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

Effect of Proposed Changes

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

Powers and Duties of District School Boards

Present Situation

Each district school board must designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows:⁹³

- Act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions.

⁹⁰ Section 1006.13(1), F.S.

⁹¹ *Id.*

⁹² Section 1006.13(2)(a)-(f), F.S.

⁹³ Section 1012.22(1), F.S.

- Reject for good cause any employee nominated.
- If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.
- Act no later than three weeks following the receipt of statewide, standardized assessment scores and data under s. 1008.22, F.S., and school grades, or June 30, whichever is later, on the district school superintendent's nominations of supervisors, principals, and members of the instructional staff.
- Establish compensation and salary schedules.
- Provide written contracts for all regular members of the instructional staff.
- Act on recommendations of the district school superintendent regarding transfer and promotion of any employee.
- Suspend, dismiss, or return to annual contract members of the instructional staff and other school employees.
- Provide for recognition of district employees, students, school volunteers, and advisory committee members who have contributed outstanding and meritorious service in their fields or service areas.
- Adopt rules to make provisions for teachers to have time for lunch, professional planning, and professional development time when they will not be directly responsible for the children if some adult supervision is furnished for the students during such periods.
- Establish a comprehensive program of staff development that incorporates school improvement plans pursuant to s. 1001.42, F.S., and is aligned with principal leadership training pursuant to s. 1012.986, F.S., as a part of the plan.

The district school superintendent must perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the superintendent must be either recorded in the minutes or be made in writing, noted in the minutes, and filed in the public records to the district school board.⁹⁴

Effect of Proposed Changes

The bill provides that a district school board may review and reappoint any member of the district executive staff. This does not apply to a school district with an elected superintendent.

K-12 Student and Parent Rights

Present Situation

Florida law requires that parents of public school students be provided accurate and timely information regarding their child's academic progress and informed of ways they can help their child to succeed in school.⁹⁵ To inform parents and enable them to direct and control their child's

⁹⁴ Section 1001.51, F.S.

⁹⁵ Section 1002.20, F.S., (introductory paragraph at beginning of section).

education, the law specifies various parental notice requirements, requires parental consent before public schools may take certain actions, and allows parents to opt their child out of certain requirements for religious or other reasons.⁹⁶ The law also allows students with certain medical conditions to administer their medications during the school day. These medications include asthma inhalers, epinephrine auto-injectors, diabetic supplies and equipment, and pancreatic enzyme supplements.⁹⁷

Students have a legitimate expectation of privacy to be secure in their persons and effects at school and are protected from unreasonable searches and seizures conducted by school officials under the Fourth Amendment of the U.S. Constitution.⁹⁸ However, the legality of student searches is judged by a different standard than searches conducted by law enforcement officers or other government officials outside of the school environment. Under ordinary circumstances, a search warrant supported by probable cause is required to search one's person or belongings. The court has attempted to balance the privacy interests of students with the need to maintain a safe, efficient, and orderly school environment. Thus, the U.S. Supreme Court has disposed of the warrant and probable cause requirements for school officials to search students. Instead, the legality of a search of a student conducted by school officials depends upon the reasonableness of the search, under the circumstances, in justification and scope.⁹⁹

Effect of Proposed Changes

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

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

Postsecondary General Education Courses

Present Situation

The DOE is responsible for identifying the degree programs offered by public postsecondary educational institutions.¹⁰⁰ The DOE must identify postsecondary career education programs offered by Florida College System institutions and district school boards, as well as career

⁹⁶ See, e.g., s. 1002.20(3), F.S.

⁹⁷ See, e.g., s. 1002.20(3)(h)-(k), F.S.

⁹⁸ The Fourth Amendment provides that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." U.S. Const., amend. 4.

⁹⁹ *New Jersey v. T.L.O.*, 469 U.S. 325, 340-342 (1985). The U.S. Supreme Court has upheld school district policies requiring students to participate in random drug testing as a condition of participation in athletics and other extracurricular activities. See *Vernonia School District v. Acton*, 515 U.S. 646, (1995) and *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002).

¹⁰⁰ Section 1007.25(1), F.S.

courses designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.¹⁰¹

The chair of the SBE and the chair of the Board of Governors (BOG), or their designees, jointly appoint faculty committees to identify statewide general education core course options. General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the SBE and the BOG, as recommended by the subject area faculty committee and approved by the ACC as necessary for a subject area.¹⁰² Each general education core course option must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course.

Beginning with students initially entering a Florida College System institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. Beginning in the 2022-2023 academic year and thereafter, students entering a technical degree education program¹⁰³ must complete at least one identified core course in each subject area as part of the general education course requirements before a degree is awarded. All public postsecondary educational institutions shall accept these courses as meeting general education core course requirements. The remaining general education course requirements shall be identified by each institution and reported to the department by their statewide course number. The general education core course options are adopted in rule by the SBE and in regulation by the BOG.¹⁰⁴

Effect of Proposed Changes

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

Articulated Acceleration

Present Situation

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

Programs that provide high school students with the opportunity to earn college credit include, but are not limited to, dual enrollment and early admission, credit by examination, advanced placement, the International Baccalaureate Program, and the Advanced International Certificate

¹⁰¹ Section 1007.25(2), F.S.

¹⁰² Section 1007.25(3), F.S.

¹⁰³ See s. 1004.02(13), F.S.

¹⁰⁴ Section 1007.25(3), F.S.

of Education Program. Credit earned through the Florida Virtual School also provides additional opportunities for early graduation and acceleration.

The DOE annually identifies and publishes the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement Program examination, Advanced International Certificate of Education examination, International Baccalaureate examination, Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT). In addition, the DOE also identifies courses in the general education core curriculum of each State University System (SUS) and Florida College System (FCS) institution for which credit is to be granted.¹⁰⁵

Effect of Proposed Changes

The bill allows Advanced Courses as an articulated acceleration mechanism and:

- Requires students to earn an identified score on the assessment to receive postsecondary credit.
- Authorizes the DOE to partner with third-party testing organizations to develop assessments for such courses.
- Requires the DOE in cooperation with the BOG to issue a specified report on acceleration mechanisms to the Legislature by January 1, 2024.

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

School Grades

Present Situation

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.¹⁰⁶ School grades are also used to determine whether a school must select or implement a turnaround option.¹⁰⁷

Schools are graded using one of the following grades:

- "A" for schools making excellent progress – 62 percent or higher of total points.
- "B" for schools making above average progress – 54 percent to 61 percent of total points.
- "C" for schools making satisfactory progress – 41 percent to 53 percent of total points.
- "D" for schools making less than satisfactory progress – 32 percent to 40 percent of total points.
- "F" for schools failing to make adequate progress – 31 percent or less of total points.¹⁰⁸

¹⁰⁵ Section 1007.27, F.S.

¹⁰⁶ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

¹⁰⁷ Section 1008.33(4), F.S.

¹⁰⁸ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

Each school that earns a grade of “A” or improves at least two letter grades may have greater authority over the allocation of the school’s total budget generated from the Florida Education Finance Program (FEFP), state categoricals, lottery funds, grants, and local funds.¹⁰⁹

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

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

For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school’s grade is based on additional components, including graduation rate and acceleration credit earned, each worth 100 points.¹¹⁰

Effect of Proposed Changes

The bill modifies s. 1008.34, F.S., to specify an additional measure is added to the school grades formula to include the percentage of eligible students who earn an achievement level 3 or higher on the grade 3, standardized ELA assessment. Therefore, for schools with a grade 3, the school grade will include both a component with aggregated ELA scores, and a separate component for grade 3 ELA results.

The bill also modifies this statute to include the percentage of students who were eligible to earn college and career credit through Advanced Courses as a way to measure the school’s grade.

¹⁰⁹ Section 1008.34(2), F.S. (Flush-left provision).

¹¹⁰ Section 1008.34(3), F.S.

Charter Schools

Present Situation

All charter schools in Florida are tuition-free public schools within the state’s public education system.¹¹¹ One of the guiding principles of charter schools is to “meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state’s public school system.”¹¹² Charter schools operate under a performance contract with a sponsor.¹¹³ This performance contract is known as a “charter.”¹¹⁴

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

- School districts, FCS institutions, and state universities may sponsor charter schools.¹¹⁵
- State universities may sponsor charter lab schools.¹¹⁶
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.¹¹⁷

During the 2021-2022 school year, there were 703 charter schools operating in 47 of Florida’s 67 school districts serving a total of 361,939 students.¹¹⁸

Student Eligibility for Enrollment

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.¹¹⁹ The charter school governing board determines the school’s capacity based upon its contract.¹²⁰ Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school’s capacity, a random lottery must be used to determine which students are enrolled.¹²¹ Enrollment preference may be given to:¹²²

- Siblings of current charter school students;
- Children of a member of the charter school governing board;
- Children of charter school employees;
- Children who complete a Voluntary Prekindergarten Education (VPK) program, during the previous year, provided by the charter school, the charter school’s governing board, or a VPK provider which has a written agreement with the governing board;

¹¹¹ Section 1002.33(1), F.S. Florida’s first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.*

¹¹² Section 1002.33(2)(a)1., F.S.

¹¹³ Section 1002.33(1), (7), and (9)(a), F.S.

¹¹⁴ Section 1002.33(7) and (9)(c), F.S.

¹¹⁵ Section 1002.33(5)(a)1.-3., F.S.; In 2021, the Legislature authorized Florida’s state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the DOE. A state university or FCS institution may, at its discretion, deny an application for a charter school. S. 1002.33(5)(a)3.c., F.S.

¹¹⁶ Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

¹¹⁷ Section 1002.34(3)(a)-(b), F.S.

¹¹⁸ Florida Department of Education, Office of Independent Education & Parental Choice Reports, *Fact Sheet, Florida’s Charter Schools* (Sept. 2022), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf>.

¹¹⁹ Section 1002.33(10)(a), F.S.

¹²⁰ Section 1002.31(2)(b), F.S.

¹²¹ Section 1002.33(10)(b), F.S.

¹²² Section 1002.33(10)(d)1.-3. and 5.-7., F.S.

- Children of active-duty U.S. Armed Forces personnel; and
- Children who attend or are assigned to a failing school.

Additionally, a charter school-in-the-workplace may give enrollment preference to students whose parents are employees of the school's business partner and students whose parents are residents of the municipality in which the school is located. A charter school-in-a-municipality may also give enrollment preference to students whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.¹²³

A charter school may limit the enrollment process in order to target the following student populations:¹²⁴

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school.
- Exceptional education students.
- Children of a business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school.
- Students who meet reasonable academic, artistic or other eligibility standards established by the charter school.
- Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
- Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units.¹²⁵

Charter School Capital Outlay

Beginning in Fiscal Year (FY) 2023-2024, charter school capital outlay funding consists of state funds when funds are appropriated in the GAA and revenue resulting from the 1.5 discretionary millage a school district levies if the amount of state funds appropriated for charter school capital outlay is less than the average charter school capital outlay funds per unweighted full-time equivalent student for FY 2018-2019, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year.¹²⁶ In FY 2022-

¹²³ Section 1002.33(10)(d)4.a.-b., F.S.

¹²⁴ Section 1002.33(10)(e)1.-7., F.S.

¹²⁵ *Id.* Students living in such a development are entitled to 50 percent of the student stations in the charter schools.

¹²⁶ Section 1013.62(1), F.S. For the 2022-2023 fiscal year, charter capital outlay consisted of funds appropriated in the General Appropriations Act.

2023, the Legislature appropriated \$195,768,743 for the Charter School Capital Outlay Allocation.¹²⁷

To be eligible for charter school capital outlay funding, a charter school must:¹²⁸

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

In addition, a charter school must:¹²⁹

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

Under SBE rule, satisfactory student achievement is determined by the school's most recent grade designation or school improvement rating from the state accountability system.¹³⁰

Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one year, are based on the student performance metrics in the charter school's charter agreement.¹³¹

Allocations are not distributed until school grade designations are known.¹³² A charter school is not eligible for capital outlay funding if the charter:¹³³

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

Capital outlay funds may be used by a charter school's governing board for the following:¹³⁴

- Purchase of real property.
- Construction of school facilities.
- Purchase, lease-purchase or lease of permanent or relocatable school facilities.

¹²⁷ Florida Department of Education, *2022-23 Funding for Florida's School Districts*, at 7, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

¹²⁸ Section 1013.62(1)(a)1.a.-f., F.S.

¹²⁹ Section 1013.62(1)(a)2.-5., F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. S. 1013.62(1)(b), F.S.

¹³⁰ Rule 6A-2.0020(4), F.A.C.

¹³¹ *Id.*

¹³² *Id.*

¹³³ Rule 6A-2.0020(4)(a)-(b), F.A.C.

¹³⁴ Section 1013.62(4)(a)-(i), F.S.

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

Effect of Proposed Changes

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

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

Nationally Recognized High School Assessments

Present Situation

Each school district, subject to appropriation, is required to select either the SAT or the ACT for districtwide administration for each student in 11th grade. This includes those attending public high schools, alternative schools, and Department of Juvenile Justice educational programs.¹³⁵

Classic Learning Test

The Classic Learning Test (CLT) is a college entrance exam that offers assessments that evaluate English, grammar, and mathematical skills, providing a comprehensive measure of achievement and aptitude. The CLT exams emphasize foundational critical thinking skills and are accessible to students from a variety of educational backgrounds. The “classic” in Classic Learning Test refers to the use of classic literature and historical texts for the reading selections on the exams.¹³⁶

¹³⁵ Section 1008.22

¹³⁶ CLT, *What is the Classic Learning Test (CLT)?*, <https://www.cltxam.com/> (last visited Apr. 26, 2023).

The CLT uses a number system called a scaled score with a scale that ranges from 0 to 120. Each of three sections (Verbal Reasoning, Grammar/Writing, and Quantitative Reasoning) are scored out of 40. The cost to take CLT is \$54.¹³⁷

Florida postsecondary institutions that accept the CLT as a college entrance exam include:¹³⁸

- Reformation Bible College.
- Pensacola Christian College.
- Trinity Baptist College.
- Ave Maria University.
- Florida College.
- Stetson University.
- Saint Leo University.
- Trinity College of Florida.
- Palm Beach Atlantic University.
- Warner University.
- Southeastern University.

Effect of Proposed Change

The bill modifies statute to include the Classical Learning Test (CLT) as an option for districtwide administration for 11th grade students. Currently, Florida has 11 postsecondary institutions that accept the CLT.¹³⁹

Florida Partnership for Minority and Underrepresented Student Achievement

Present Situation

The Florida Partnership for Minority and Underrepresented Student Achievement Act was created by Legislature in 2004.¹⁴⁰ This intent of this partnership is to ensure every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a focus on advanced courses, specifically in low-performing middle and high schools. The mission of the partnership is to prepare, inspire and connect students to postsecondary success and opportunity with a particular focus on minority and underrepresented students in postsecondary education.

In order to prepare students for postsecondary success and opportunity must provide the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) or the PreACT to all enrolled 10th grade students. Parents are to receive written notice of the test and must include the opportunity to exempt his or her child from taking the PSAT/NMSQT or the PreACT.

The partnership must:

¹³⁷ CLT, *Frequently Asked Questions*, <https://www.cltexam.com/faqs/> (last visited Apr. 26, 2023).

¹³⁸ CLT, *Find a Partner College - FL*, <https://www.cltexam.com/colleges/> (last visited Apr. 6, 2023).

¹³⁹ CLT, *Find a Partner College* available at <https://www.cltexam.com/colleges/> (last visited April 26, 2023)

¹⁴⁰ Ch. 2004-63, ss 1, Laws of Florida

- Provide teacher training and professional development to enable teachers of AP or other advanced course with knowledge and skills to prepare students for success on course examinations.
- Provide middle school teachers and administrators professional development that will enable them to educate middle school students at a level necessary to prepare them to enter high school and participate in advanced courses.
- Provide teacher training materials aligned with the Next Generation Sunshine State Standards.
- Provide assessment of individual strength and weaknesses relating to potential success in AP, advanced courses and readiness for college.
- Provide college entrance exam preparation through a variety of means.
- Consider a way to incorporate FCS institutions in the mission of preparing all students for postsecondary success.
- Provide information to students, parents, teachers, counselors, administrators, FCS institutions and SUS of PSAT/NMSQT or PreACT dates and times, participation, value of tests, and other pertinent information.
- Work with the Department to provide information to the schools about partnership activities, opportunities and priorities.¹⁴¹

Effect of Proposed Changes

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

Florida Bright Futures Scholarship Program

The Florida Bright Futures Scholarship Program is a lottery-funded scholarship program for Florida high school graduates who merit high academic achievement and enroll in a degree, certificate, or applied technology program at an eligible Florida public or private postsecondary education institution. There are four awards through the Florida Bright Futures Scholarship program, including the Florida Academic Scholarship (FAS), the Florida Medallion Scholarship (FMS), the Florida Gold Seal CAPE Scholarship, and the Florida Gold Seal Scholarship.¹⁴²

In order for a Florida high school student to qualify for the FAS award or the FMS award must meet all of the following initial eligibility requirements:

- Graduate from a Florida public high school with a standard high school diploma, graduate from a registered Florida DOE private high school, earn a GED, complete a home education program, graduate from a non-Florida high school if specific conditions are met.
- Complete required high school coursework.
- Achieve the required minimum high school grade point average (GPA).
- Achieve the minimum score on either the ACT or SAT college entrance exam by June 30 of high school graduation year.

¹⁴¹ Section 1007.35, F.S.

¹⁴² Section 1009.53, F.S.

- Complete the required number of volunteer service **or** 100 paid work hours.
- Submit a Florida Financial Aid Application no later than August 31, after high school graduation.¹⁴³

Student Volunteer Requirements for the Florida Bright Futures Scholarship Program

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

Bright Futures Scholarship Program	Required Service Hours ¹⁴⁴
FAS	100 volunteer or paid work hours
FMS	75 volunteer hours or 100 paid work hours
FGSV	30 volunteer hours or 100 hours of paid work
FGSC	30 volunteer hours or 100 hours of paid work

The student’s volunteer service work or paid work must be approved by the district school board, the administrators of a nonpublic school, or the DOE for home education students.¹⁴⁵

Each district school board and the administrators of a nonpublic school must establish approved activities and the process for documentation of service hours, including the deadline by which the hours must be completed.¹⁴⁶ Service work may include, but is not limited to, a business or governmental internship, work for a nonprofit community service organization, or activities on behalf of a candidate for public office.¹⁴⁷

The hours earned by a student must be documented in writing, signed by the student and the student’s parent or guardian, and a representative of the organization where the work was performed.

In addition to the service hours, a student must identify a social or civic issue or a professional area that interests him or her, develop a plan for their personal involvement in addressing the issue or learning more about the area, and, through papers or presentations, evaluate and reflect upon his or her experience.¹⁴⁸

Effect of the Proposed Changes

The bill expands eligible assessments students may take to earn a Florida Academic Scholars award and a Florida Medallion Scholars award, under the Bright Futures Scholarship program, adding the Classical Learning Test (CLT). Requiring the ACT and CLT scores to be made

¹⁴³ Florida Student Financial Aid, *Florida Bright Futures Student Handbook* (2022), available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf> at 3.

¹⁴⁴ Sections 1009.534(1), 1009.535(1), 1009.536(1)(e), F.S.

¹⁴⁵ *Id.*

¹⁴⁶ 2021-22 Bright Futures Student Handbook, *Chapter 1: Initial Eligibility Requirements* (Aug. 5, 2021), at 4 and 6-7, available at <https://www.floridastudentfinancialaidsg.org/PDF/BFHandbookChapter1.pdf>.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

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

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

Traditional and Year-Round School Schedules

Present Situation

In Florida, district school boards are responsible for the operation of all public schools for a minimum of 180 days or the hourly equivalent.¹⁴⁹ Boards are responsible for the opening and closing of public schools and may not have an opening date earlier than August 10 of each year.¹⁵⁰

In addition to a traditional 180-day schedule, Florida law does authorize a school to operate a year-round schedule.¹⁵¹ Year-round schools have educational opportunities over an eleven- or twelve-month period, with shorter, staggered vacation periods, as opposed to traditional schedules having educational opportunities over an eight or nine consecutive month period with consecutive months for vacation.¹⁵²

For the 2021-2022 school year, 16 public schools in 10 school districts participated in a year-round school schedule.¹⁵³

¹⁴⁹ Section 1001.42(12)(a), F.S. Hourly equivalent equates to 900 hours for students in grades 4 through 12 and 720 hours for students in kindergarten through grade 3. Section 1011.61(1)(a)1., F.S. Florida law does not require a minimum number of hours or minutes per school day.

¹⁵⁰ Section 1001.42(4)(f), F.S.

¹⁵¹ Section 1011.62(1)(q), F.S.

¹⁵² Florida Department of Education, Automated Student Information System Student Data Elements (2019-20), *available at* <https://www.fldoe.org/core/fileparse.php/18758/urlt/1920-196225.pdf>.

¹⁵³ Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 891* (2023), at 2.

Florida's School Funding

The FEFP provides funding for a 180-day regular school year, or the hourly equivalent of 180 days.¹⁵⁴ Under the FEFP, financial support for education is based on the full-time equivalent (FTE)¹⁵⁵ student membership in public schools.¹⁵⁶

School districts report student membership through a number of surveys periods. For FTE reporting, the survey periods cover the following time frames:¹⁵⁷

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

For schools following a traditional schedule, Surveys 2 and 3 cover the first and second 90 days of the 180-day school year.¹⁵⁸

Year-round schools report the first 90 days of their 180-day school year in October and their second 90 days of their 180-day school year should be reported in the February survey.¹⁵⁹

Effect of Proposed Changes

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

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

¹⁵⁴ Florida Department of Education, *Full-Time Equivalent (FTE) General Instructions 2022-2023* (2022), at 7, available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf>. Exceptions include the Department of Juvenile Justice programs; Juveniles Incompetent to Proceed programs; the Florida Virtual School; and Virtual instruction programs; and virtual charter schools for the purpose of course completion and credit recovery.

¹⁵⁵ Section 1011.62(1)(i)1., F.S. A “full-time student” is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. A full-time equivalent student in a virtual instruction program, virtual charter school, or FLVS consists of 6 full-credit completions or the prescribed level of content that counts toward promotion to the next grade. Credit completions may be a combination of full-credit courses and half-credit courses.

¹⁵⁶ *Id.*

¹⁵⁷ Florida Department of Education, *Full-Time Equivalent (FTE) General Instructions 2022-2023* (2022), at 9, available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf>.

¹⁵⁸ Florida Department of Education, *Full-Time Equivalent (FTE) General Instructions 2022-2023* (2022), at 67, available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf>.

¹⁵⁹ *Id.* at 68.

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

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

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

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

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

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

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

Commission for Independent Education

Present Situation

The Commission for Independent Education (CIE), within the DOE, is responsible for exercising independently all powers, duties, and functions relating to independent postsecondary educational institutions in consumer protection, program improvement, and licensure for institutions under its purview.¹⁶⁰ An independent postsecondary institution means “any postsecondary educational institution that operates in the state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.”¹⁶¹

The powers and duties of the CIE include:¹⁶²

- Holding meetings as necessary to administer its duties;
- Annually selecting a chairperson and vice chairperson, appointing and reviewing an executive director, and authorizing the executive director to appoint employees of the CIE;
- Adopting and using an official seal in the authentication of its acts;
- Making rules for its own governance;
- Maintaining a record of its proceedings;
- Cooperating with other state and federal agencies and other nongovernmental agencies in administering its duties;
- Providing cause to be investigated criminal justice information for each owner, administrator, and agent employed by an institution applying for licensure from the CIE;
- Serving as a central agency for collecting and distributing current information regarding institutions licensed by the CIE;
- Informing independent postsecondary educational institutions of laws adopted by the Legislature and rules adopted by the SBE and the CIE and of their responsibility to follow those laws and rules;
- Establishing and publicizing the procedures for receiving and responding to complaints from students, faculty, and others concerning institutions or programs under the purview of the CIE, and keeping records of such complaints in order to determine the frequency and nature of complaints with respect to the specific institutions of higher education;
- Providing annually to the Office of Student Financial Aid Assistance of the DOE information and documentation that can be used to determine an institutions eligibility to participate in state student financial assistance programs;
- Coordinating and conveying annual reports to the commissioner relating to campus crime statistics, assessment of physical plant safety, and the anti-hazing policies of nonpublic postsecondary educational institutions eligible to receive state-funded student assistance;
- Identifying and reporting to the Office of Student Financial Aid Assistance the accrediting associations recognized by the United States (US) DOE which have standards that are comparable to the minimum standards required to operate an institution at that level in this state; and

¹⁶⁰ Section 1005.21(2), F.S.

¹⁶¹ Section 1005.02(11), F.S.

¹⁶² Section 1005.22(1), F.S.

- Assuring that an institution is not required to operate without a current license because of the schedule of CIE meetings or application procedures, if the institution has met the CIE's requirements for licensure or license renewal.

In addition, the CIE has administrative powers and responsibilities, which include:¹⁶³

- Adopting rules for the operation and establishment of independent postsecondary educational institutions and submitting rules to the SBE for approval;
- Submitting an annual budget to the SBE;
- Transmitting all fees, donations, and other monies to the Institutional Assessment Trust Fund; and
- Expending funds as necessary to assist in the application and enforcement of all powers and duties.

The Chief Financial Officer is required to pay out all moneys and funds as directed upon vouchers approved by the DOE for all lawful purposes necessary to the CIE's administration. The CIE is required to make annual reports to the SBE showing in detail amounts received and all expenditures. The CIE must include in its annual report to the SBE a statement of its major activities during the period covered by the report.¹⁶⁴

Effect of Proposed Changes

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

Fair Consumer Practice

Present Situation

Each institution that directly or indirectly solicits enrollment for students are required to annually collect and disclose information relating to fair consumer practices. The institutional requirements relating to fair consumer practices include:

- Disclosing to each prospective student a statement of the purpose of the institution, its programs and curricula, description of the facility, status of licensure, policy on fee schedules including if a student withdraws. These disclosures are to be made in writing at least one week prior to enrollment or collection of tuition.
- Using a reliable method of assessing the student's ability to successfully complete the course, prior to accepting the student into the program.
- Informing the student of financial assistance and obligations for repayment of loans, describe any employment placement services available, and refrain from promising or implying guaranteed placement, market availability or salary amounts.

¹⁶³ Section 1005.22(1)(e), F.S.

¹⁶⁴ Section 1005.22(1)(e)4., F.S.

- Providing prospective and enrolled students accurate information regarding the relationship of its programs to state licensure requirements for practicing related occupations and professions in Florida.
- Ensuring all advertisements are accurate and not misleading.
- Publishing and following an equitable prorated refund policy for all students and following both the federal guidelines regarding the receipt of federal financial assistance and CIE rule regarding minimum refund guidelines.
- Following the requirements of state and federal laws requiring annual reporting of crime statistics and physical plant safety.
- Publishing and following procedures for handling student complaints, disciplinary actions and appeals.

Institutions that are required to be licensed by the CIE must disclose to prospective students that additional information regarding the institution may be obtained by contacting the CIE.¹⁶⁵

Effect of Proposed Changes

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

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

Licensure of Institutions

Present Situation

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

¹⁶⁵ Section 1005.04(2), F. S.

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

When the CIE determines that an applicant for initial licensure is in substantial compliance with the licensure standards, provisional licensure is granted for a period not to exceed one year. A provisional license issued for initial licensure may be extended for up to one year. A licensed institution that has undergone a substantive change, as defined by rule, must be granted a provisional license for a set period of time, after which the institution may apply for a different status. A provisional license may include CIE -mandated conditions, and all conditions must be met before the institution can be granted a different licensure status.¹⁶⁶

The CIE must ensure, through an investigative process, applicants for licensure meet the specified standards and may issue a licensure delay if this investigative process is not completed within the statutory limits of the Administrative Procedures Act.¹⁶⁷ Agencies must provide notice of any apparent errors or omissions in an application for licensure within 30 days. The law also prohibits the denial of an application for failure to correct an error or omission if the appropriate 30 day notification is not provided. An application for a license must be approved or denied within 90 days after receipt of a completed application.¹⁶⁸

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

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

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

An independent postsecondary educational institution or any person acting on behalf of such an institution may not publish any advertisement soliciting students or offering a credential before the institution is duly licensed by the CIE or while the institution is under an injunction against operating, soliciting students, or offering an educational credential.¹⁶⁹

¹⁶⁶ Section 1005.31, F.S.

¹⁶⁷ Section 1005.31(6), F.S.

¹⁶⁸ Section 120.60, F.S.

¹⁶⁹ Section 1005.31, F.S.

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

- Has operated legally in the state for at least 5 consecutive years;
- Holds institutional accreditation by an accrediting agency evaluated and approved by the CIE as having standards substantially equivalent to the CIE's licensure standards;
- Has no unresolved complaints or actions in the past 12 months;
- Meets minimum requirements for financial responsibility as determined by the CIE; and
- Is a Florida corporation.¹⁷⁰

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

A license by means of accreditation may be denied, placed on probation, or revoked for repeated failure to comply with the requirements in law. Revocation or denial of a license by means of accreditation requires that the institution must immediately obtain an annual license.¹⁷¹

Effect of Proposed Changes

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

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

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

The bill establishes accountability requirements for institutions licensed by the CIE. The CIE must prepare an annual accountability report for the licensed institutions by June 30, 2024, and by April 15 of each year thereafter. The report is required at a minimum to contain, graduation and placement rates for all licensed institutions.

Each licensed institution is required to provide data to the CIE in the CIE's prescribed format by March 15, 2024 and by November 30 each year thereafter. Placement rates must be determined

¹⁷⁰ Section 1005.32(1), F.S.

¹⁷¹ Section 1005.32, F.S.

using a methodology approved by the CIE. The CIE is required to establish a common set of data definitions for institutional reporting purposes.

The CIE is authorized to impose an administrative fine of no more than \$500 when a licensed institution fails to timely submit the required data to the CIE. Administrative fines are to be deposited into the Student Protection Fund.

Notwithstanding the provision in section 1005.32(3), F.S., the bill provides the CIE the authority to require the licensed institutions to provide institutional, graduate, and student data through reasonable data collection efforts as required or necessitated by statute or rule. The CIE may establish by rule, performance benchmarks to identify high-performing institutions licensed by the CIE.

The bill specifies that an institution may not conduct a program unless specific authority is granted in its license. All programs must be recognized by the CIE, including but not limited to:

- Avocational programs or courses
- Examination preparation or courses
- Contract training programs or courses
- Continuing Education
- Professional development programs or courses.

The bill requires institutions to obtain institutional accreditation before obtaining approval from the commissioner to offer a prelicensure professional nursing program.

The bill provides the CIE the authority to adopt rules to implement the section.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of this bill is indeterminate.

There is a fiscal impact associated with the expansion of postsecondary credit pathways and incentives for school districts and teachers:¹⁷²

- The bill requires the DOE to identify Florida College System institutions and state universities to develop advanced secondary courses and provide teacher training for the instruction of these courses. The DOE estimates a fiscal impact of \$2.5 million associated with this requirement.
- The bill also authorizes DOE to partner with a third-party assessment organization to develop assessments to measure the competencies of the advanced courses developed by the identified colleges and universities. The DOE estimates a fiscal impact \$1.0 million to develop the assessments. HB 5001, the House's General Appropriations Act (GAA) for Fiscal Year (FY) 2023-2024 does not include an appropriation for either of these two issues at this time.

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

The bill authorizes students to take the Classic Learning Test to meet the initial eligibility requirements for the Bright Futures Scholarship Program. Students must earn a concordant score on this exam, and this exam has a price that is comparable with other exam options.

Additionally, the bill provides students additional flexibility for earning volunteer or work hours for eligibility, allowing them to combine hours earned regardless of the which option was used to earn them. There is no estimated fiscal impact to the Bright Futures Scholarship Program as a result of these provisions.

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

¹⁷² The Florida House staff analysis for CS/CS/CS/HB 1537 (2023), available at <https://www.flsenate.gov/Session/Bill/2023/1537/Analyses/h1537f.EEC.PDF>.

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

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.33, 1002.42, 1003.42, 1003.4282, 1004.04, 1004.85, 1005.04, 1005.22, 1005.31, 1006.09, 1006.13, 1006.148, 1007.27, 1007.271, 1007.35, 1008.22, 1008.34, 1009.531, 1009.534, 1009.535, 1009.536, 1012.22, 1012.34, 1012.56, 1012.57, 1012.575, 1012.585, 1012.586, 1012.98, 1012.986, 1013.62, and 1014.05.

The bill creates the following sections of Florida Statutes: 1003.07, 1005.11, and 1005.335.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Fiscal Policy on April 25, 2023:

The committee substitute adds the following provisions to the bill:

- Requires each school district to annually review reproductive health information for accuracy and notify parents of any changes.
- Authorizes a student to possess and use over the counter headache medication on school property or at a school-sponsored event.-
- Provides an academic exception for admission and dismissal procedures as part of the criteria for charter approval.
- Establishes a 4-year, year round school pilot program.
- Requires the history of Asian Americans and Pacific Islanders to be taught in public schools.
- Authorizes a principal to discreetly search a student’s personal belongings. Any belongings not prohibited must be immediately returned to the student.
- Provides a rebuttable presumption that a student who intervenes to stop a violent act, the intervention was necessary to restore safety.
- Requires dual enrollment courses to be age and developmentally appropriate.

- Authorizes combined volunteer and paid work to meet program requirements for the Florida Academic Scholars award, the Florida Medallion Scholars award, and the Florida Gold Seal awards.
- Authorizes a district school board to review and reappoint any member of the districts executive staff unless the superintendent is elected.
- Adds requiring mastery of subject area knowledge requirements to the a temporary teaching certificate for candidates enrolled in a state-approved teacher preparation program.
- Authorizes charter school governing boards to adopt rules to issue an adjunct teacher certificate.
- Prohibits charter schools to receive capital outlay funds if earning 2 consecutive “F” grades, 3 consecutive “C” grades, or 2 consecutive “Unsatisfactory” ratings.

The committee substitute removes from the bill provisions that:

- Authorize a post-secondary training program less than 1 year in length and is not paid by student is exempt from Commission of Independent Education (CIE) licensure.
- Authorize the CIE to require an institution applying for initial licensure to provide assurance of financial stability.
- Appropriate \$600,000 for 2023-2024 in recurring funds from the Institutional Assessment Trust Fund to the CIE to fund the additional workload.
- Fund provisions related to advanced courses and turnaround school supplemental servicers allocation.
- Modify the Teachers Classroom Supply Assistance Program.

CS by Appropriations Committee on Education on April 18, 2023:

The committee substitute modifies the provision of the bill authorizing a credit in career and technical education to satisfy a required credit for a standard high school diploma by removing the limitation that the credit be available only to freshmen entering in the 2023-2024 cohort and thereafter.

The committee substitute modifies provisions related to the Fair consumer practices for intuitions under the jurisdiction of the Commission of Independent Education (CIE) by:

- Requiring each institution that solicits for enrollment to prior to enrollment, provide a written disclosure of all fees and costs the will be incurred by the student, specified academic requirements, and a statement regarding the scope of accreditation.
- Providing that the burden of demonstrating compliance is upon the person, entity, or institution, and that determining compliance is the responsibility of the CIE.
- Authorizing the CIE to examine and investigate affairs related to unfair or deceptive practices.
- Providing specification for standards relating to admissions and recruitment and authorizing the CIE to require a licensed institution to submit a specified management plan.
- Creating s. 1005.11, F.S., accountability for institution licensed by the CIE and:
 - Requires the CIE to prepare a specified annual accountability report for licensed institutions by specified dates.

- Requires each licensed institution to provide specified data to the CIE by specified dates.
- Authorizes the CIE to impose an administration fine of not more than \$500 per incident when a licensed institution fails to timely submit required data.
- Authorizes the CIE to develop standards relating to admission and recruitment of students and provides authority to the CIE to require a licensed institution to take specified action based upon the institution's performance.
- Authorizes the CIE to identify licensed high-performing institutions.

The committee substitute creates s. 1005.335, F.S., accreditation requirements and programmatic licensure, and specifies that an institution:

- May not conduct a program unless specific authority is granted in its license, however a training program less than 1 year and is not paid by student is exempt from this requirement; and
- Must obtain institutional accreditation prior to obtaining approval from the CIE to offer a prelicensure professional nursing program.

The committee substitute creates s. 1005.345, F.S., assurance of financial stability and authorizes the CIE to require an institution to provide assurance to financial stability as specified.

The committee substitute appropriates a sum of \$600,000 in recurring funds from the Institutional Assessment Trust Fund to implement ss. 1003.45, 1005.31, 1005.335, F.S.

The committee substitute adds Advanced Courses as an articulated acceleration mechanism and requires that:

- Advanced Courses must be the enrollment of an eligible secondary student in a secondary course created by a public postsecondary institution that prepares student for an identified assessment.
- Students to earn an identified score on the assessment to receive postsecondary credit.
- The SBE and BOG to identify FCS and SUS institutions to develop advanced courses for students in high school and authorizing the DOE to partner with 3rd party testing organizations to develop assessments for such courses.
- The DOE in cooperation with the BOG to issue a specified report on acceleration mechanisms to the Legislature by Jan. 1, 2024

Under the Florida Partnership for Minority and Underrepresented Student Achievement, the committee substitute:

- Defines advanced courses to include AP, IB, AICE, Dual Enrollment, and other Advanced Courses identified.
- Requires the partnership to consider ways to partner with colleges and universities to develop courses and provide teacher training.
- Requires the DOE to include access to the Classical Learning Test and advanced courses data for specified evaluation processes.

The committee substitute includes advanced courses to the nationally developed comprehensive exams that the commissioner may select for use as EOC assessments, includes advanced courses, as a school grade component and an assessment option for the Bright Futures Scholarship Program (BFSP).

The committee substitute authorizes the Classical Learning Test (CLT) as an option for districtwide administration for 11th grade students. The commissioner must also identify concordant scores for the CLT exam to meet graduation requirements. The committee substitute adds the CLT as an assessment option for the BFSP.

Funding related modifications include:

- Removing the cap of 0.1 FTE earned within the same fiscal year by elementary and middle grades students for specified certificates or certifications.
- Adding additional full-time membership of .16 FTE for students earning a specified score on Advanced Courses, similar to current AP additional funding provisions.
- Providing teacher bonus structure for students passing Advanced Courses and specifies that such bonuses are in addition to regular teacher compensation.

B. Amendments:

None.