

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1537 Education

SPONSOR(S): Education & Employment Committee, Appropriations Committee and Education Quality Subcommittee, Rizo and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	18 Y, 0 N, As CS	McDaniel	Sanchez
2) Appropriations Committee	27 Y, 0 N, As CS	Potvin	Pridgeon
3) Education & Employment Committee	18 Y, 0 N, As CS	McDaniel	Hassell

SUMMARY ANALYSIS

The bill improves the overall quality of Florida's teacher preparation programs by streamlining programs, program requirements, and expanding upon the uniform core curricula.

The bill requires a system-wide shift from professional development to professional learning by defining the requirements for professional learning and requiring the Department of Education (DOE) to create a high-quality programs web-based marketplace. The bill protects administrators' responsibility to visit and observe classroom teachers throughout the year.

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

The bill requires instruction on Asian American and Pacific Islander history with specified topics; replaces one practical arts credit with one career and technical education credit; and, adds measures to the school grades formula. The bill requires each school district to annually review and confirm that all reproductive health and disease information, including instructional materials, parental exemption process and form, and associated links available on the district school board website are accurate and up-to-date. The bill expands postsecondary credit pathways.

The bill authorizes school districts to select the Classic Learning Test (CLT) for an annual districtwide administration for certain students and allows students to earn a concordant score on the CLT to meet the initial eligibility requirements for the Bright Futures Scholarship Program (Bright Futures). The bill allows Bright Futures students to combine volunteer and paid work hours to meet initial eligibility requirements. 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.

The bill authorizes additional enforcement mechanisms for the Commission for Independent Education (commission) at the DOE, and expands fair consumer practices and minimum standards for licensure of private, postsecondary institutions under the jurisdiction of the commission.

The bill adds a rebuttal provision within school district zero tolerance policies, and provides for privacy of student personal belongings during a search.

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, and modifies charter capital outlay funding eligibility requirements.

The bill authorizes a district school board with an appointed superintendent to review and reappoint any member of the district executive staff.

The bill creates the year-round school pilot program, established for a period of four years.

The bill has an indeterminate fiscal impact. See Fiscal Analysis.

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

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME: h1537f.EEC

DATE: 4/21/2023

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. 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:³

- *Initial Teacher Preparation programs*: “traditional” teacher preparation programs require 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.⁴
- *Educator Preparation Institutes*: alternative certification programs offered 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.⁵ In addition to completing the district program, candidates must demonstrate mastery of general knowledge⁶ and subject area knowledge.⁷

Mastery of general knowledge for a professional teaching certificate may be demonstrated through several methods, including the passing of one of several different examinations identified by the State Board of Education (SBE),⁸ having a valid teaching certificate from another state,⁹ having a SBE approved national educator credentialing,¹⁰ having a master’s or higher degree,¹¹ or completion of two semesters of college teaching experience at a specified Florida institution.¹²

¹ Section 1004.04(1)(b), F.S.

² See Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Mar. 9, 2023). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

³ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Mar. 9, 2023). See also rule 6A-5.066, F.A.C.

⁴ Rule 6A-5.066(1)(r), F.A.C.

⁵ Section 1012.56(8)(a), F.S.

⁶ See Florida Department of Education, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Mar. 9, 2023).

⁷ Florida Department of Education, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Mar. 9, 2023)

⁸ Section 1012.56(3)(e), F.S. Examinations for mastery of general knowledge include the Florida General Knowledge Test and identified test sections of the GRE, including GRE Analytical Writing, GRE Quantitative Reasoning, and GRE Verbal Reasoning.

⁹ Section 1012.56(3)(b), F.S.

¹⁰ Section 1012.56(3)(c), F.S.

¹¹ Section 1012.56(3)(f), F.S. Degree must be from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a bachelor’s degree or higher.

¹² Section 1012.56(3)(d), F.S.

Mastery of subject area knowledge for a professional teaching certificate may be demonstrated through the passing of a subject matter examination under specific conditions, a valid teaching certificate from another state, a valid certificate from the National Board for Professional Teaching Standards, or a passing score or program completion of a specified defense language proficiency test or program.¹³

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 6 must successfully complete all competencies for a reading endorsement.¹⁴

Uniform core curricula for each state-approved teacher preparation program is established by the SBE and must include, but is not limited to:¹⁵

- candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas;
- the use of state-adopted content standards to guide curricula and instruction;¹⁶
- scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies;¹⁷
- 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.

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.¹⁸

¹³ Section 1012.56(5), F.S.

¹⁴ Section 1004.04(2)(c), F.S.

¹⁵ Section 1004.04(2)(b)1.-10., F.S.

¹⁶ The State Board of Education has adopted the state academic standards, which establish the core content of the curricula taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Rule 6A-1.09401(1), F.A.C.; s. 1003.41(1), F.S.

¹⁷ The Just Read, Florida! Office must assist teacher preparation programs and educator preparation institutes with this requirement. Section 1001.215(11), F.S.

¹⁸ Section 1004.04(2)(d), F.S.

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 educator preparation institutes (EPI) for the purpose of providing all or any of the following:¹⁹

- 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;
- competency-based program instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase routes to the classroom for mid-career professionals; and
- instruction and professional development for part-time and full-time non-degreed teachers of career programs.

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.²⁰

Each EPI participant must:²¹

- 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,²² the basic skills examination, and the subject area examination for the subject area certification which is required by SBE rule.

Continued EPI approval is determined by the Commissioner of Education 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.²³

Each approved EPI 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.²⁴

Professional Development Certification and Education Competency Programs

¹⁹ Section 1004.85(2)(a), F.S.

²⁰ Section 1004.85(2)(b), F.S.

²¹ Section 1004.85(3)(b), F.S.

²² An individual that completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate. Section 1012.575, F.S.

²³ Section 1004.85(4), F.S.

²⁴ Section 1004.85(5), F.S.

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:²⁵

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

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.²⁶ The standards for the teacher mentorship and induction component must include:²⁷

- program administration and evaluation;
- mentor roles, selection, and training;
- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices (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. Beginning January 1, 2019, a teacher may not satisfy requirements for a professional certificate through a professional preparation and education competency program unless the program has been approved by the DOE based on the new standards.²⁸ An applicant who completes a professional preparation and education competency program approved by the DOE based on the standards adopted on January 1, 2018, and is rated highly effective based on a performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.²⁹

Each district professional development system is required to provide inservice activities and support targeted to the individual needs of teachers participating in the professional preparation and education competency program.³⁰ Each school district's professional development system must provide for training to reading coaches, classroom teachers, and school administrators in:³¹

- 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.

All elementary grades instructional personnel must be provided access to sufficient training so they can meet certification or endorsement requirements established by the SBE with respect to reading instruction and intervention.³²

²⁵ Section 1012.56(8)(a)1.-7., F.S.

²⁶ See rule 6A-5.066, F.A.C.

²⁷ Section 1012.56(8)(c), F.S.

²⁸ *Id.*

²⁹ Section 1012.56(7)(a)3., F.S., see rule 6A-5.066, F.A.C.

³⁰ Section 1012.98(4)(b)4., F.S.

³¹ Section 1012.98(4)(b)11., FS.

³² *Id.*

The mentorship and induction component of a state-approved district, charter school or charter management organizations professional preparation and education competency program, at a minimum, provides weekly opportunities for mentoring and induction activities, including:³³

- common planning time;
- ongoing professional development targeted to a mentee teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and follow-up discussions.

The mentorship and induction activities must be provided during the teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. A principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component so long as they are approved by the DOE.³⁴

Effect of Proposed Changes

Florida's teacher preparation programs include the traditional pathway offered at postsecondary institutes, alternative pathway programs offered through state-approved educator preparation institutes, and school district professional development certification and education competency programs. The uniform core curricula for each state-approved teacher preparation program identifies core topics the programs must cover. The bill adds 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 eliminates redundancy in educator preparation institute instruction provided to candidates that are already embedded in the FEAP. The FEAP outlines the core standards for effective educators. The bill 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 educator preparation 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 educator preparation institutes.

The bill delineates, 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 must 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 established in a new section in law to separate the two alternative certification pathways.

The bill provides the SBE with rulemaking authority to adopt criteria for the review and approval of Professional Learning Certification Programs.

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.³⁵

³³ Section 1012.56(8)(a)3.b., F.S.

³⁴ *Id.*

³⁵ Sections 1012.55(1) and 1002.33(12)(f), F.S.

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.³⁶ 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.”³⁷

While there are several certification pathways, any individual seeking certification must meet specific eligibility requirements:³⁸

- 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 learning³⁹ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;⁴⁰
- 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.

In addition, each applicant must submit an application and the required fee to the DOE.⁴¹

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;⁴² valid for 5 years and renewable.⁴³
- Temporary Certificate: covers employment in full-time positions for which educator certification is required;⁴⁴ generally valid for 3 years and nonrenewable.⁴⁵
- Athletic Coaching Certificate: covers full-time and part-time employment as a public school athletic coach;⁴⁶ 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.⁴⁷

An applicant seeking a professional certification must:

³⁶ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

³⁷ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

³⁸ Section 1012.56(2)(a)-(f), F.S.

³⁹ 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. 9, 2023) (list of accrediting agencies approved by the U.S. Department of Education).

⁴⁰ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study. Section 1012.56(2)(c), F.S.

⁴¹ Section 1012.56(1), F.S.; see s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

⁴² Rule 6A-4.004(3), F.A.C.

⁴³ 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.

⁴⁴ Rule 6A-4.004(1)(a)2., F.A.C.

⁴⁵ 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.

⁴⁶ Section 1012.55(2)(a), F.S.

⁴⁷ Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

- meet the basic eligibility requirements for certification;⁴⁸
- demonstrate mastery of general knowledge;⁴⁹
- demonstrate mastery of subject area knowledge;⁵⁰ and
- demonstrate mastery of professional preparation and education competence.⁵¹

A professional certificate is renewable for successive periods of 5 years⁵², but may be extended by:

- 1 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.

An applicant seeking a temporary certification must:

- meet the basic eligibility requirements for certification;⁵³
- 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;⁵⁴ and
- do one of the following:
 - demonstrate mastery of subject area knowledge;⁵⁵ or
 - complete the required degree or content courses specified in SBE rule for subject area specialization⁵⁶ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.⁵⁷

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,⁵⁸ and select subject areas including Reading, Speech-Language Impaired, School Counseling, School Psychology, and School Social Work require a master's or specialist degree.⁵⁹

In 2022, the Legislature created an additional pathway to educator certification for military service members by authorizing the DOE to issue a temporary certificate, for a subject area specialization for which the SBE otherwise requires a bachelor's degree, to military service members meeting the following requirements:⁶⁰

- documents 48 months of active-duty military service with an honorable discharge or a medical separation;
- meets minimum eligibility criteria for educator certification with the exception of receipt of a bachelor's degree;
- completes the subject area content requirements specified in SBE rule or demonstrates mastery of subject area knowledge; and
- completes 60 college credits with a minimum grade point average of 2.5 on a 4.0 scale, as provided by an eligible institution of higher learning.

⁴⁸ Section 1012.56(2)(a)-(f), F.S.

⁴⁹ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited Mar. 9, 2023).

⁵⁰ Section 1012.56(2)(h) and (5), F.S.

⁵¹ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.shtml> (last visited Mar. 9, 2023)

⁵² Sections 1012.56(7)(a) and 1012.585, F.S.; Rule 6A-4.0051(1), F.A.C.

⁵³ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

⁵⁴ Section 1012.56(1)(b), F.S.; Rule 6A-4.004(1)(a), F.A.C.

⁵⁵ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge* <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.shtml> (last visited Mar. 9, 2023).

⁵⁶ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

⁵⁷ Section 1012.56(2)(c), F.S.; See Florida Department of Education, *Certificate Types and Requirements*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/> (last visited Mar. 9, 2023).

⁵⁸ Section 1012.56(7)(b), F.S. The degree and content requirements are established in ch. 6A-4, F.A.C.

⁵⁹ Florida Department of Education, Educator Certification, *Certificate Subjects*, <https://www.fldoe.org/teaching/certification/certificate-subjects/#degreed> (last visited Mar. 9, 2023).

⁶⁰ Section 1012.56(7)(b)2., F.S.

Veterans attaining a temporary certificate must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. The teacher mentor must hold a valid professional teaching certification, have at least 3 years of teaching experience, and have earned an effective or highly effective rating on the prior year's performance evaluation.⁶¹

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.⁶²

The DOE must electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.⁶³ In addition, the DOE must electronically notify a temporary certificate holder, at least 1 year in advance of the date that his or her certificate will expire. The notification must include the methods by which the certificate holder can complete the requirements for a professional certificate.⁶⁴

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.⁶⁵

Renewal of Professional Certificates

A professional certificate must be renewed every 5 years.⁶⁶ An educator must submit an application,⁶⁷ pay a fee,⁶⁸ 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.⁶⁹ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁷⁰

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.⁷¹

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 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 SBE rule.⁷²

⁶¹ Section 1012.56(7)(d)1.-3., F.S.

⁶² Section 1012.56(7)(e)2., F.S.

⁶³ Section 1012.56(1)(b), F.S.

⁶⁴ Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

⁶⁵ Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

⁶⁶ Section 1012.585(2)(a), F.S.

⁶⁷ 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.

⁶⁸ The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(c) and 6A-4.0012(1)(b)1., F.A.C.

⁶⁹ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a)1., F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁷⁰ Section 1012.585(3)(a), F.S.

⁷¹ Section 1012.585(3)(e), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

⁷² Section 1012.585(3)(f), F.S.

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.⁷³ 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.⁷⁴

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.

An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁷⁵ 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.⁷⁶ An adjunct teaching certificate issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable.⁷⁷ School districts are required to:⁷⁸

- 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 extends temporary teaching certificates from 3 years to 5 years, and provides that the certificate is limited to a one-time issuance and is non-renewable.

The bill expands eligibility for 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 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

Present Situation

⁷³ Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

⁷⁴ Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

⁷⁵ Section 1012.57(4), F.S.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Section 1012.57(6)(a)-(b), F.S.

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.⁷⁹ Among other things, the professional development system must:⁸⁰

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

Each school district professional development system must:⁸¹

- 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 shall 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.⁸² 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.⁸³
- 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

⁷⁹ Section 1012.98(4)(b), F.S.

⁸⁰ See section 1012.98(4)(b)1.-11., F.S.

⁸¹ Section 1012.98(4)(b), F.S.

⁸² Section 1012.98(4)(b)5., F.S.; Florida Department of Education, *Master Inservice Plans*,

<http://www.fldoe.org/teaching/professional-dev/master-inservice-plans-mip.stml> (last visited Mar. 9, 2023).

⁸³ Section 1012.98(4)(b)5., F.S.

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.

In addition to improving school district professional development systems,⁸⁴ 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.⁸⁵

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 Standards and other school leadership standards.⁸⁶

Effect of Proposed Changes

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. 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 Early Learning - 20 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 inservice 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 requires explicit training for school administrators to address the updated skills required for instructional leadership and effective school management. The bill provides that school administrators' visits to classrooms to provide mentorship, training, instructional feedback, or professional learning are not a part of the teacher's 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.

The bill amends the William Cecil Golden Professional Development Program for School Leaders to include instructional coaching as a component to support the professional growth of instructional personnel.

⁸⁴ Section 1012.98(4)(b)1., F.S.

⁸⁵ Section 1012.98(4)(a)1., F.S.

⁸⁶ Section 1012.986(1)-(2), F.S.

The bill requires the DOE to 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, 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 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.⁸⁷ 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.⁸⁸ 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.⁸⁹

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.⁹⁰ They are the fastest-growing major racial or ethnic group in the United States.⁹¹ More than 22 million Asians live in the United States and almost all trace their roots to specific countries or populations from East and Southeast Asia and the Indian subcontinent.⁹²

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, 1869.⁹³ The majority of the workers who laid the tracks were Chinese immigrants.⁹⁴ Contributions of the AAPI community to America's rich heritage include:⁹⁵

⁸⁷ Section 1003.42(2), F.S.

⁸⁸ Section 1003.42(2)(g)1., F.S.

⁸⁹ Section 1003.42(2)(h), F.S.

⁹⁰ 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 February 20, 2023).

⁹¹ 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 February 20, 2023).

⁹² *Id.*

⁹³ Asian Pacific American Heritage Month, *About Asian/Pacific Heritage Month*, <https://asianpacificheritage.gov/about/> (last visited February 20, 2023)

⁹⁴ *Id.*

⁹⁵ 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).

- *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 “arguably become the most famous luxury designer in the bridal market.”⁹⁶

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.⁹⁷ 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.⁹⁸

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.⁹⁹

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,¹⁰⁰ 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 ACT¹⁰¹ and pass the Algebra I EOC

⁹⁶ Harper’s Bazaar, *How Vera Wang changed the way brides dressed forever*, (Sept. 15, 2021)

<https://www.harpersbazaar.com/uk/bazaar-brides/a37596791/vera-wang-bride-interview/> (last visited Mar. 19, 2023).

⁹⁷ 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 February 20, 2023).

⁹⁸ 105 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. To ensure compliance, the regional superintendent of schools monitors school districts during annual compliance visits. Individual school boards determine the instructional time required to qualify as a unit for the purposes of the required instruction.

⁹⁹ 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 February 20, 2023).

¹⁰⁰ 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>.

¹⁰¹ Section 1003.4282(3)(a), F.S.; rule 6A-1.09422(8)(a)2., F.A.C.

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.¹⁰² Beginning with the 2022-23 school year, and 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.¹⁰³

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.¹⁰⁴ 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.¹⁰⁵

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

- Four credits in ELA. The four credits must be in ELA I, II, III, and IV.
- 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.¹⁰⁶
- 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.¹⁰⁷

To graduate, a student must complete the listed criteria and earn a cumulative GPA of 2.0 on a 4.0 scale.¹⁰⁸ At least one course must be completed through online learning.¹⁰⁹ A student who earns credit upon completion of an apprenticeship or pre-apprenticeship program registered with DOE may use

¹⁰² 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.

¹⁰³ Section 1003.433(3)(b), F.S.; rule 6A-1.09422(12), F.A.C.

¹⁰⁴ Section 1003.4282(1)(a), F.S.

¹⁰⁵ Section 1003.4282(1)(b), F.S. An equivalent course is one or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon review of the state academic standards for that subject. An applied course aligns with state academic standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas. *Id.*

¹⁰⁶ The U.S. Government course must include a comparative discussion of political ideologies that conflict with the founding principles of the United States. Beginning in the 2021-2022 school year, the students enrolled in the U.S. Government course must take a civic literacy assessment identified by the SBE. A passing score satisfies the postsecondary civic literacy assessment requirement and is not required for high school graduation. Section 1003.4282(3)(d), F.S.

¹⁰⁷ Section 1003.4282 (3)(g) and (h), F.S. The required financial literacy course must cover types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services; balancing a checkbook; basic principles of money management; completing a loan application; receiving an inheritance and related implications; basic principles of personal insurance policies; computing federal income taxes; local tax assessments; computing interest rates by various mechanisms; simple contracts; contesting an incorrect billing statement; types of savings and investments; and state and federal laws concerning finance. Section 1003.4282(3)(h), F.S.

¹⁰⁸ Section 1003.4282(6)(a), F.S.

¹⁰⁹ Section 1003.4282(4), F.S.

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.¹¹⁰

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.

Instructional Materials Related to Reproductive Health

Present Situation

School districts must provide health education instruction to Florida's students.¹¹¹ 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,¹¹² and the benefits of sexual abstinence and the consequences of teen pregnancy.^{113, 114} Additionally, school districts may provide instruction in HIV/AIDS as part of their health education programs.¹¹⁵ School districts must permit parents to exempt their children from instruction related to reproductive health and any disease, including HIV/AIDS.¹¹⁶

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:

- 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.¹¹⁷

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.¹¹⁸ The instructional materials must be available through a link on the school district homepage for review by parents.¹¹⁹

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.¹²⁰ 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.¹²¹

Effect of Proposed Changes

¹¹⁰ Section 1003.4282(8)(a)3., F.S.

¹¹¹ Section 1003.42(2)(n), F.S.

¹¹² Instruction in teen dating violence and abuse occurs in grades 7 through 12. Section 1003.42(2)(n)2., F.S.

¹¹³ Instruction in sexual abstinence and the consequences of teen pregnancy occurs in grades 6 through 12. Section 1003.42(2)(n)3., F.S.

¹¹⁴ Section 1003.42(2)(n), F.S.

¹¹⁵ Section 1003.46(1), F.S.

¹¹⁶ Section 1003.42(5), F.S.

¹¹⁷ Section 1003.46(2), F.S.

¹¹⁸ Section 1003.42(1)(b), F.S.

¹¹⁹ Section 1003.42(5), F.S.

¹²⁰ Section 1002.20(3)(d), F.S.

¹²¹ Section 1003.46(2)(d), F.S.

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. 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.¹²² Zero tolerance policies must apply equally to all students regardless of their economic status, race, or disability.¹²³

Each district school board must adopt a policy of zero tolerance that:

- 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.¹²⁴

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:¹²⁵

- 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.
- 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

¹²² Section 1006.13(1), F.S.

¹²³ *Id.*

¹²⁴ Section 1006.13(2)(a)-(f), F.S.

¹²⁵ Section 1012.22(1), F.S.

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.¹²⁶

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.¹²⁷ To inform parents and enable them to direct and control their child's 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.¹²⁸ 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.¹²⁹

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.¹³⁰ However, the legality of student searches is judged by a

¹²⁶ Section 1001.51, F.S.

¹²⁷ Section 1002.20, F.S., (introductory paragraph at beginning of section).

¹²⁸ See, e.g., s. 1002.20(3), F.S.

¹²⁹ See, e.g., s. 1002.20(3)(h)-(k), F.S.

¹³⁰ 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., a mend. 4.

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 student searches. Instead, the legality of a search of a student conducted by school officials depends upon the reasonableness of the search, under the circumstances.¹³¹

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.¹³² The DOE must identify postsecondary career education programs offered by Florida College System institutions and district school boards, as well as career 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.¹³³

The chair of the SBE and the chair of the 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. 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 program¹³⁴ 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.

¹³¹ *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).

¹³² Section 1007.25(1), F.S.

¹³³ Section 1007.25(2), F.S.

¹³⁴ See s. 1004.02(13), F.S.

Effect of Proposed Changes

The bill requires the SBE and the BOG to identify colleges and universities to develop advanced secondary general education 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.¹³⁵

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 of Education Program. Credit earned through the Florida Virtual School also provides additional opportunities for early graduation and acceleration.¹³⁶

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 department also identifies courses in the general education core curriculum of each state university and Florida College System institution for which credit is to be granted.¹³⁷

Advanced Placement Program

The College Board's Advanced Placement (AP) Program consists of over 38 rigorous high school courses and nationally standardized examinations in multiple subject areas ranging from art to statistics.¹³⁸ Cutoff scores and postsecondary course equivalencies are determined by the Articulation Coordinating Committee (ACC) and approved by the SBE and the Board of Governors (BOG).¹³⁹ Currently, students may earn college credit only if they receive an examination score of three or higher on a 5-point scale.¹⁴⁰ Public school students in Florida are exempt from the payment of any fees associated with the administration of the examinations¹⁴¹ regardless of whether they achieve a passing score.¹⁴²

In addition to the AP Examination, the College Board established the AP Capstone Diploma to provide students with opportunities to develop skills in critical thinking, independent research, collaborative

¹³⁵ Section 1007.27(1), F.S.

¹³⁶ *Id.*

¹³⁷ Section 1007.27(2), F.S.

¹³⁸ Florida Department of Education, *Florida Counseling for Future Education Handbook 2021-2022 Edition*, at 30, (2022), available at https://dlss.flvc.org/documents/210036/1531784/FCFFE_H_2021_2022.pdf/80ed74c7-21cf-0047-db7f-c8ee3910804d.

¹³⁹ Section 1007.27(2) and (6), F.S.

¹⁴⁰ Section 1007.27(5), F.S.

¹⁴¹ The College Board, *AP Students Exam Fees*, <https://apstudents.collegeboard.org/exam-policies-guidelines/exam-fees> (last visited Mar. 16, 2023).

¹⁴² Section 1007.27(5), F.S.

teamwork, and communication skills.¹⁴³ The AP Capstone Diploma program is based on two year-long AP courses: AP Seminar and AP Research. These two courses are designed to complement the other AP courses taken by an AP Capstone student. Students typically take the AP Seminar course in either grade 10 or 11, followed by the AP Research course.

Students who earn a score of 3 or higher on the exams for the AP Seminar course and the AP Research course, plus earn a score of 3 or higher on four additional AP exams of their choosing, receive the AP Capstone Diploma.¹⁴⁴ The AP Capstone Diploma program signifies that the student has completed a certain set of requirements in high school to earn an advanced diploma in addition to the standard high school diploma. There are 335 approved AP Capstone schools in Florida.¹⁴⁵

Articulation Coordinating Committee

The ACC, established by the Commissioner of Education, in consultation with the Chancellor of the State University System, makes recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data, to the Higher Education Coordination Council, the SBE, and the BOG. The committee consists of two members each representing the State University System, the Florida College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The chair is elected from the membership.¹⁴⁶

The primary role of the Oversight Committee is to make recommendations based on information resulting from reconciling designated common prerequisite courses with the Statewide Course Numbering System to ensure accuracy and utility; building institution accountability for adhering to designated program prerequisites and advising students appropriately; surveying the faculty sub-committees to determine if changes in programs warrant changes in designated prerequisites; conducting a review of institution catalogs for verification of the communication of common program prerequisites; studying student participation in statewide agreements; and conducting a review of current programs that may be candidates for statewide articulation, including institution surveys and workforce trends.¹⁴⁷

Effect of Proposed Changes

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

The bill authorizes DOE to partner with an independent third-party testing or assessment organization to develop assessments to measure the competencies required for general education core courses in order for students to earn postsecondary credit while in high school. The bill modifies the advanced course options to include the advanced courses created by the FCS and SUS institutions identified by DOE and earn college credit after achieving a minimum score on a postsecondary credit assessment as identified by the DOE.

The bill requires the DOE, in cooperation with the BOG, to issue a report to the Legislature by January 1, 2024, on the alignment between acceleration mechanisms available to secondary students and student success at the postsecondary level. The report must examine, at a minimum, how: acceleration mechanisms align to secondary completion and rates of success; bonuses provided to classroom teachers for completion or passage by students of acceleration courses impact school quality and performance; acceleration mechanisms align to postsecondary completion rates; acceleration course

¹⁴³ The College Board, *What is the AP Capstone Diploma Program*, at 2, <https://apcentral.collegeboard.org/pdf/ap-capstone-student-brochure.pdf?course=ap-capstone-diploma-program> (last visited Mar. 16, 2023).

¹⁴⁴ The College Board, *How it Works*, at 3, available at <https://apcentral.collegeboard.org/pdf/ap-capstone-student-brochure.pdf?course=ap-capstone-diploma-program>.

¹⁴⁵ The College Board, *Participating AP Capstone Schools* <https://collegeboard.force.com/ParticipatingAPCapstoneSchools/s/> (last visited Mar. 16, 2023).

¹⁴⁶ Section 1007.01(3), F.S.

¹⁴⁷ Florida Department of Education, *Articulation Coordinating Committee- Oversight Committee*, <https://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/> (last visited March 19, 2023).

offerings align with general education core courses and reduce time to complete a postsecondary degree; and to improve acceptance of postsecondary credit earned through acceleration courses through agreements with other states.

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.¹⁴⁸ School grades are also used to determine whether a school must select or implement a turnaround option.¹⁴⁹

Schools are graded using one of the following grades:¹⁵⁰

- "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.

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.¹⁵¹

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:¹⁵²

- The percentage of eligible students passing statewide, standardized assessments in ELA;
- The percentage of eligible students passing statewide, standardized assessments in mathematics;
- The percentage of eligible students passing statewide, standardized assessments in science;
- The percentage of eligible students passing statewide, standardized assessments in social studies;
- The percentage of eligible students who make Learning Gains in ELA as measured by statewide, standardized assessments;
- The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments;
- The percentage of eligible students 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;
- The percentage of eligible students 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
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students 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 SBE rule.

For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade is based on the following components, each worth 100 points:¹⁵³

- The 4-year high school graduation rate of the school.
- The percentage of students who:

¹⁴⁸ 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.

¹⁴⁹ Section 1008.33(4), F.S. As the state transitions to the new progress monitoring system, schools will be held harmless for the 2022-2023 school grades. Once learning gains can be calculated following the 2023-2024 school year, The SBE must evaluate the school grading scale to determine if the scale should be adjusted. Section 1008.34(7), F.S.

¹⁵⁰ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

¹⁵¹ Section 1008.34(2), F.S. (Flush-left provision).

¹⁵² Section 1008.34(3)(b)1.a.-i., F.S.

¹⁵³ Section 1008.34(3)(b)2.a.-b., F.S.

- were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, including career dual enrollment courses resulting in the completion of 300 or more clock hours during high school or Advanced International Certificate of Education examinations;
- at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List; or
- beginning with the 2022-2023 school year, earned an Armed Services Qualification Test score that falls within Category II or higher on the Armed Services Vocational Aptitude Battery and earned a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.

Effect of Proposed Changes

Beginning in Fiscal Year 2023-2024, the bill adds an additional measure 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. Additionally, for a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the bill modifies one of the school grade components, the percentage of students who were eligible to earn college and career credit, by including students who are eligible to earn postsecondary credit through assessments identified by the DOE.

Charter Schools

Present Situation

All charter schools in Florida are tuition-free public schools within the state's public education system.¹⁵⁴ 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."¹⁵⁵ Charter schools operate under a performance contract with a sponsor.¹⁵⁶ This performance contract is known as a "charter."¹⁵⁷

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

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.¹⁵⁸
- State universities may sponsor charter lab schools.¹⁵⁹
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.¹⁶⁰

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.¹⁶¹

Charter School Application

¹⁵⁴ 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.*

¹⁵⁵ Section 1002.33(2)(a)1., F.S.

¹⁵⁶ Section 1002.33(1), (7), and (9)(a), F.S.

¹⁵⁷ Section 1002.33(7) and (9)(c), F.S.

¹⁵⁸ 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.

¹⁵⁹ Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

¹⁶⁰ Section 1002.34(3)(a)-(b), F.S.

¹⁶¹ 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>.

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality or a legal entity organized under Florida law.¹⁶² The school must be organized as, or be operated by a municipality, a public entity authorized under the law, or a nonprofit organization.¹⁶³

Each charter school must have a governing board. The board is responsible for:

- negotiating the school's charter agreement with its sponsor;
- exercising continuing oversight over the school's operations;
- adopting and maintaining an annual operating budget;
- ensuring that annual audits are conducted;
- submitting monthly financial statements to the sponsor and implementing corrective actions to remedy financial instability;
- submitting the school's annual progress report to the sponsor; and
- adopting policies which establish standards of ethical conduct for educational support employees, instructional personnel, and school administrators.¹⁶⁴

A sponsor must receive and consider charter school applications during the year for charter schools to be opened at a time determined by the applicant.¹⁶⁵

Charter school applications must:¹⁶⁶

- demonstrate how the school will utilize the guiding principles;¹⁶⁷
- provide a detailed curriculum plan aligned with the state's academic standards;¹⁶⁸
- contain goals and objectives for improving student learning and measuring such improvement;
- describe the reading curricula and differentiated strategies for serving students at various levels of reading ability;
- contain an annual financial plan; and
- disclose the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter school.¹⁶⁹

Charter

After a charter school application is approved, the terms of the charter must be negotiated by the applicant and sponsor using the standard charter contract within 30 days after approval of the

¹⁶² Section 1002.33(3)(a), F.S. *see also* Rule 6A-6.0786, F.A.C. and Florida Department of Education, Charter Schools, *Model Application Forms*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited Mar. 8, 2023).

¹⁶³ Section 1002.33(12)(i), F.S. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization. *Id.*

¹⁶⁴ Section 1002.33(7), (9)(h)-(k), and (12)(g)3. F.S.

¹⁶⁵ Section 1002.33(6)(b), F.S. (2021) Prior to this change in 2021, applications had a deadline of February 1, with a school opening date of 18 months later or at a time determined by the applicant.

¹⁶⁶ Section 1002.33(6)(a)1.-6., F.S. A sponsor may require the applicant to submit additional information as an addendum to the application. *See also* Florida Department of Education, Charter Schools, *Model Application Forms*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference/> (last visited Mar. 8, 2023).

¹⁶⁷ The legislative guiding principles for charter schools provide that they are to meet high standards of student achievement while increasing parental choice; increase learning opportunities for all students, with special emphasis on low-performing students and reading and utilize innovative learning methods. Charter schools may also serve to provide rigorous competition to stimulate improvement in traditional public schools, expand the capacity of the public school system, mitigate the educational impact created by the development of new residential dwelling units and create new professional opportunities for teachers, including ownership of the learning program at the school site. Section 1002.33(2), F.S.

¹⁶⁸ Section 1003.41, F.S.

¹⁶⁹ The sponsor must consider the history of these entities in deciding to approve or deny the application. Section 1002.33(6)(a)6., F.S.

application.¹⁷⁰ The initial term of a charter is 5 years, excluding 2 planning years.¹⁷¹ The charter must include:¹⁷²

- the types of students to be served, including ages and grade levels;
- the curriculum focus and instructional methods to be used;¹⁷³
- baseline standards of student academic achievement, outcomes to be achieved and methods of measurement to be used;¹⁷⁴
- the method for determining the strengths and needs of students and whether they are meeting educational goals¹⁷⁵ and for secondary charter schools,¹⁷⁶ the method to determine a student has satisfied the requirements for high school graduation;
- the method for resolving conflicts between the governing body and the sponsor;
- admission and dismissal procedures and the school's student conduct code;
- methods for achieving a racial/ethnic balance reflective of the community served;
- the financial and administrative management of the school, including experience required for management positions and a description of internal audit controls;
- asset and liability projections;
- a description of plans to identify various risks, reduce losses and ensure student and faculty safety;
- an agreement that the charter may be cancelled if the school has made insufficient progress with student achievement;
- the facilities to be used;
- teacher qualifications, governance structure and timetables for implementing each element of the charter;
- full disclosure of all charter school employees who are relatives of charter school officials and employees who have decision making authority over charter school operations; and
- provisions for implementing high-performing charter school benefits if the charter school is designated as "high-performing."

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.¹⁷⁷ The charter school governing board determines the school's capacity based upon its contract.¹⁷⁸ 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.¹⁷⁹ Enrollment preference may be given to:

¹⁷⁰ Section 1002.33(7) and (7)(b), F.S. A sponsor may require the applicant to submit additional information as an addendum to the application. See section 1002.33(6)(a)7., F.S.

¹⁷¹ Section 1002.33(7)(a)(12), F.S. (2018).

¹⁷² Section 1002.33(7)(a)1.-19., F.S.

¹⁷³ The charter must ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction to students who are reading below grade level. Additionally, to provide students with access to diverse instructional delivery models, charter schools may implement blended learning courses. Section 1002.33(7)(a)2.a.-b., F.S. Any changes to curriculum which are consistent with state standards are deemed approved under the charter unless the sponsor and the DOE determine in writing that the curriculum is inconsistent with state standards. Section 1002.33(7)(d), F.S. (2021).

¹⁷⁴ The district school board is required to provide academic student performance data for students coming from the district school system to the charter, as well as rates of academic progress of comparable student populations in the district. Section 1002.33(7)(a)3. (flush-left provision at the end of the sub-paragraph).

¹⁷⁵ Students in a charter school must, at a minimum, participate in Florida's statewide assessments. Section 1002.33(7)(a)4., F.S.

¹⁷⁶ In this context, the term "secondary education" is synonymous with "middle or high school" (grades 6 through 12). Generally, elementary schools serve students in kindergarten through grade 5, middle schools serve students in grades 6 through 8, and high schools serve students in grades 9 through 12. See s. 1003.01(2), F.S. (definition of "school").

¹⁷⁷ Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an "affiliated charter school." However, a charter school may use a weighted lottery under certain prescribed circumstances. see 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). see also U.S. Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter- ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

¹⁷⁸ Section 1002.31(2)(b), F.S.

¹⁷⁹ Section 1002.33(10)(b), F.S.

- 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;
- children of active-duty U.S. Armed Forces personnel; and
- children who attend or are assigned to a failing school.¹⁸⁰

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.¹⁸¹

A charter school may limit the enrollment process in order to target the following student populations:¹⁸²

- 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.¹⁸³

Charter School Funding

Like traditional public schools, charter school operations are funded through the Florida Education Finance Program (FEFP) based on student enrollment. Each charter school reports student enrollment to its sponsor for inclusion in the district's report of student enrollment.¹⁸⁴ The following chart summarizes how a charter school's share of FEFP funds is determined:

Calculating a Charter School's Share of FEFP Funds ¹⁸⁵						
Sum of the district's operating funds from the FEFP and the	÷	The total funded weighted full-time	x	The weighted full-time	=	Charter school allotment of FEFP dollars

¹⁸⁰ Section 1002.33(10)(d)1.-3. and 5.-7., F.S.

¹⁸¹ Section 1002.33(10)(d)4.a.-b., F.S.

¹⁸² Section 1002.33(10)(e)1.-7., F.S.

¹⁸³ *Id.* Students living in such a development are entitled to 50 percent of the student stations in the charter schools.

¹⁸⁴ Section 1002.33(17)(a)-(b), F.S. To reflect any changes in enrollment, the charter school's funding is recalculated during the school year, based upon the October and February FTE enrollment surveys. *See s. 1002.33(17)(b)*, F.S.

¹⁸⁵ Section 1002.33(17)(b) and (c), F.S.

GAA, including the district's gross state and local funds, discretionary lottery funds, and funds from the district's current operating discretionary tax levies		equivalent students in the district		equivalent students for the charter school		
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A charter school is also entitled to a proportionate share of categorical funds included in the FEFP for students who qualify for the categorical.¹⁸⁶ Categorical funds must be spent for specified purposes, which include student transportation, safe schools, supplemental academic instruction, evidence-based reading instruction, mental health assistance, instructional materials, teacher classroom supplies, class-size reduction operating funds, and teacher salary increases.¹⁸⁷

Total funding for each charter school is recalculated during the year to reflect the revised calculations under the FEFP by the state and the actual weighted FTE reported by the charter school during the survey periods.¹⁸⁸ For charter schools operated by a not-for-profit or municipal entity, any unrestricted current¹⁸⁹ and capital assets¹⁹⁰ identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district.¹⁹¹

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.¹⁹² In FY 2022-2023, the Legislature appropriated \$195,768,743 for the Charter School Capital Outlay Allocation.¹⁹³

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

- be in operation for at least two years;

¹⁸⁶ Section 1002.33(17)(b), F.S.

¹⁸⁷ See, e.g., s. 1011.62(6), F.S. (general categoricals); s. 1011.68, F.S. (student transportation); s. 1011.62(12), F.S. (safe schools allocation); s. 1011.62(1)(f), F.S. (supplemental academic instruction); s. 1011.62(18), F.S. (evidence-based reading instruction allocation); s. 1011.62(13), F.S. (mental health assistance); s. 1011.67, F.S. (instructional materials); s. 1012.71, F.S. (Florida Teachers Classroom Supply Assistance Program); s. 1011.685, F.S. (class size reduction); and s. 1011.62(14), F.S. (teacher salary increase allocation).

¹⁸⁸ Section 1002.33(17)(b)1., F.S.

¹⁸⁹ Current assets include cash or other assets that are reasonably expected to be realized in cash or sold or consumed within a year. See Florida Department of Education, *Financial and Program Cost Accounting and Reporting for Florida Schools* (2021), at 2-1, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/REDBK.pdf>.

¹⁹⁰ Capital assets include, but are not limited to, land, land improvements, buildings, building improvements, vehicles, machinery, furniture, equipment, and all other tangible and intangible assets that are used in operations and have useful lives that extend beyond a single accounting period. See Florida Department of Education, *Financial and Program Cost Accounting and Reporting for Florida Schools* (2021), at 2-3, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/REDBK.pdf>.

¹⁹¹ *Id.* Unrestricted current assets must be used in accordance with s. 1011.62, F.S., and any unrestricted capital assets shall be used in accordance with s. 1013.62(2). *Id.*

¹⁹² Section 1013.62(1), F.S. For the 2022-2023 fiscal year, charter capital outlay consisted of funds appropriated in the General Appropriations Act.

¹⁹³ 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>.

- 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.¹⁹⁴

In addition, a charter school must:

- 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.¹⁹⁵

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.¹⁹⁶ 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.¹⁹⁷ Allocations are not distributed until school grade designations are known.¹⁹⁸ A charter school is not eligible for capital outlay funding if the charter:¹⁹⁹

- 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:²⁰⁰

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

¹⁹⁴ Section 1013.62(1)(a)1.a.-f., F.S.

¹⁹⁵ 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.

¹⁹⁶ Rule 6A-2.0020(4), F.A.C.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ Rule 6A-2.0020(4)(a)-(b), F.A.C.

²⁰⁰ Section 1013.62(4)(a)-(i), F.S.

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

In 2021, the Legislature enacted a law requiring each school district, subject to an appropriation, to select either the SAT or ACT for administration to all grade 11 students, including students attending public high schools, alternative high schools, and Department of Juvenile Justice education programs.²⁰¹ Priority funding is given to students on the direct certification list or if the student's household income level does not exceed 185 percent of the federal poverty level.²⁰²

For the past two years, the Legislature has appropriated each year \$8 million to fund either the SAT or ACT administration for all grade 11 students.²⁰³

Effect of Proposed Changes

The bill expands eligible nationally recognized high school assessments that may be administered by school districts to students in 11th grade, to include the Classical Learning Test (CLT). See Florida Bright Futures Scholarship Program section for a description of the CLT.

The Florida Partnership for Minority and Underrepresented Student Achievement

Present Situation

In 2004, the Legislature passed the Florida Partnership for Minority and Underrepresented Student Achievement (partnership) Act²⁰⁴ recognizing the importance of not only access to college but also success in college for all students. The intent of the partnership was to ensure that every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a particular focus on access to advanced courses, with a particular focus on minority students and students who are underrepresented in postsecondary education.²⁰⁵ The DOE may contract for operation of the partnership.²⁰⁶

In order to prepare, inspire and connect students to postsecondary success and opportunity, public high schools must provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or the PreACT to all enrolled 10th grade students. However, a written notice must be provided to each parent which must include the opportunity to exempt his or her child

²⁰¹ Chapter 2021-157, L.O.F. The ACT and SAT are two of several entrance exams used by colleges and universities to make admissions decisions.

²⁰² Specific Appropriation 135, Ch. 2022-156. L.O.F.

²⁰³ *Id.* Specific Appropriation 135, Ch. 2021-157, L.O.F.

²⁰⁴ Ch. 2004-63, L.O.F.

²⁰⁵ Section 1007.35(2)(b), F.S.; See Florida Department of Education, *Annual Evaluation Report for Florida Partnership 2021-2022* (September 2022), available at [https://www.fldoe.org/core/fileparse.php/19912/urlt/FLPA ER2122.pdf](https://www.fldoe.org/core/fileparse.php/19912/urlt/FLPA%20ER2122.pdf)

²⁰⁶ Section 1007.35(3), F.S.

from taking the PSAT/NMSQT or the PreACT.²⁰⁷ Test results from these assessments are used by certified school counselors to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

The partnership is responsible for:

- Providing teacher training and professional development on AP or other advanced courses.
- Providing to middle school teachers and administrators professional development to prepare students to enter high school ready to participate in advanced courses.
- Providing teacher training and materials that are aligned with the State Standards and are consistent with best theory and practice regarding multiple learning styles and research on learning, instructional strategies, instructional design, and classroom assessment.
- Providing assessment of individual strengths and weaknesses as related to potential success in AP or other advanced courses and readiness for college.
- Providing college entrance exam preparation.
- Considering ways to incorporate Florida College System institutions in the mission of preparing all students for postsecondary success.
- Providing a plan for communication and coordination of efforts with the Florida Virtual School's provision of online AP or other advanced courses.
- Working with school districts to identify minority and underrepresented students for participation in AP or other advanced courses.
- Working with school districts to provide information to students and parents that explains available opportunities for students to take AP and other advanced courses and that explains enrollment procedures that students must follow to enroll in such courses.
- Providing information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or the PreACT administration.
- Cooperating with the DOE to provide information to administrators, teachers, and counselors, whenever possible, about partnership activities, opportunities, and priorities.

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

Present Situation

Bright Futures Eligibility

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.²⁰⁸ 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 Vocational Scholarship.²⁰⁹

Florida high school students who wish to qualify for the FAS award or the FMS award must meet the following initial eligibility requirements:

- Graduate high school from a Florida public high school with a standard Florida high school

²⁰⁷ Section 1007.35(4) and (5), F.S. Public school districts must choose either the PSAT/NMSQT or the PreACT for districtwide administration. Funding for the PSAT/NMSQT or the PreACT for all 10th grade students is contingent upon annual funding in the General Appropriations Act.

²⁰⁸ Section 1009.53(1), F.S.

²⁰⁹ Section 1009.53(2), F.S.

diploma, graduate from a registered Florida DOE private high school, earn a GED, complete a home education program, or graduate from a non-Florida high school if specific conditions are met;

- Complete the required high school coursework;
- Achieve the required minimum high school grade point average (GPA);
- Achieve the required minimum score on either the ACT® or SAT® college entrance exam by June 30 of high school graduation year;²¹⁰
- Complete the required number of volunteer service or 100 paid work hours; and
- Submit a Florida Financial Aid Application no later than August 31 after high school graduation.²¹¹

For the purposes of calculating the grade point average to be used in determining initial eligibility for a Bright Futures Scholarship, the DOE assigns additional weights to grades earned in the following courses:

- Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, International Baccalaureate, International General Certificate of Secondary Education, or Advanced International Certificate of Education.
- Courses designated as dual enrollment courses in the statewide course numbering system.²¹²

Type of Award	High School Weighted Bright Futures GPA	College Entrance Exams by High School Graduation Year (ACT/SAT) ²¹³
Florida Academic Scholars	3.50 ²¹⁴	2022-23 Graduates 29/1330
		2023-24 Graduates 29/1340
Florida Medallion Scholars	3.00 ²¹⁵	2022-23 Graduates 25/1210
		2023-24 Graduates 25/1210

The DOE is required to develop a method for determining the required examination scores students must earn on college entrance exams and ensure the scores are equivalent between the SAT and ACT. The ACT scores are made concordant to the required SAT scores using the latest published national concordance table developed jointly by the College Board and ACT, Inc.²¹⁶

The minimum required SAT score for FAS is set at the 89th national percentile, and the minimum required SAT score for FMS is set at the 75th national percentile. The minimum ACT scores are concordant to the bottom of the SAT score ranges for FAS and FMS eligibility, respectively.²¹⁷

The SAT registration fee is \$60.²¹⁸ The cost to take ACT-no writing is \$66, and ACT-with writing is \$91.²¹⁹

²¹⁰ To ensure that the required examination scores represent top student performance and are equivalent across assessments, the DOE is responsible for developing a method for determining the required examination scores. Section 1009.531(6)(c), F.S.

²¹¹ Florida Student Financial Aid, *Florida Bright Futures Student Handbook* (2022), at 3, available at <https://www.floridastudentfinancialaids.org/PDF/BFHandbookChapter1.pdf>.

²¹² Section 1009.531(3), F.S. The DOE may assign additional weights to courses, not to exceed 0.5 additional weight per course, to courses identified as containing rigorous academic curriculum and performance standards. (Flush-left provision at end of paragraph).

²¹³ The ACT and SAT are two of several entrance exams used by colleges and universities to make admissions decisions.

²¹⁴ Section 1009.534(1)(a), F.S.

²¹⁵ Section 1009.535(1)(a), F.S.

²¹⁶ Section 1009.531(6), F.S.

²¹⁷ *Id.*

²¹⁸ The College Board, SAT Suite of Assessments, *Test Fees*, <https://satsuite.collegeboard.org/sat/registration/fees-refunds/test-fees> (last visited Apr. 6, 2023).

²¹⁹ ACT, *Current ACT Fees and Services*, <https://www.act.org/content/act/en/products-and-services/the-act/registration/fees.html> (last visited Apr. 6, 2023).

In the 2021-22 academic year, 119,837 students received a disbursement from the Florida Bright Futures Scholarship and disbursements totaled \$604,682,656.²²⁰

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 ²²¹
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.²²²

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.²²³ 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.²²⁴

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.²²⁵

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.²²⁶

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 \$54.²²⁷

²²⁰ Florida Student Financial Aid, *Florida Bright Futures Student Counts and Total Costs, Report A*, available at <https://www.floridastudentfinancialaids.org/PDF/PSI/BFReportsA.pdf>.

²²¹ Sections 1009.534(1), 1009.535(1), 1009.536(1)(e), F.S.

²²² *Id.*

²²³ 2021-22 Bright Futures Student Handbook, *Chapter 1: Initial Eligibility Requirements* (Aug. 5, 2021), at 4 and 6-7, available at <https://www.floridastudentfinancialaids.org/PDF/BFHandbookChapter1.pdf>.

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ CLT, *What is the Classic Learning Test (CLT)?*, <https://www.cltexam.com/> (last visited Apr. 6, 2023).

²²⁷ CLT, *Frequently Asked Questions*, <https://www.cltexam.com/faqs/> (last visited Apr. 6, 2023).

Florida postsecondary institutions that accept the CLT as a college entrance exam include: 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, and Southeastern University.²²⁸

Effect of 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).

The bill expands upon the courses eligible to be assigned additional weight for the purposes of calculating the grade point average for Florida Bright Futures eligibility to include advanced courses.

The bill requires the ACT and CLT scores be made 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.²²⁹ 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.²³⁰

In addition to a traditional 180-day schedule, Florida law does authorize a school to operate a year-round schedule.²³¹ 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.²³²

For the 2021-2022 school year, 16 public schools in 10 school districts participated in a year-round school schedule.²³³

Florida's School Funding

²²⁸ CLT, *Find a Partner College - FL*, <https://www.cltexam.com/colleges/> (last visited Apr. 6, 2023).

²²⁹ 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.

²³⁰ Section 1001.42(4)(f), F.S.

²³¹ Section 1011.62(1)(q), F.S.

²³² 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>.

²³³ Email from Cory Dowd, Legislative Affairs Director, Florida Department of Education, RE: Year Round Schools (Mar. 8, 2023).

The Florida Education Finance Program (FEFP) provides funding for a 180-day regular school year, or the hourly equivalent of 180 days.²³⁴ Under the FEFP, financial support for education is based on the full-time equivalent (FTE)²³⁵ student membership in public schools.²³⁶

School districts report student membership through a number of surveys periods. For FTE reporting, the survey periods cover the following time frames:²³⁷

- 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.²³⁸

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.²³⁹

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:

- 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 of Education (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.

²³⁴ 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.

²³⁵ 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.

²³⁶ *Id.*

²³⁷ 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>.

²³⁸ 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>.

²³⁹ *Id.* at 68.

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 protentional 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 (commission), 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.²⁴⁰ 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.”²⁴¹

The commission is comprised of seven members:²⁴²

- two representatives of independent colleges or universities licensed by the commission;
- two representatives of independent, nondegree-granting schools licensed by the commission;
- one member from a public school district or Florida College System institution who is an administrator of career education;
- one representative of a religious postsecondary institution not subject to oversight by the commission²⁴³; and
- one lay member who is not affiliated with an independent postsecondary educational institution.

²⁴⁰ Section 1005.21(2), F.S.

²⁴¹ Section 1005.02(11), F.S.

²⁴² Section 1005.21(2), F.S.

²⁴³ Section 1005.06(1)(f), F.S.

Commission members are appointed to three-year terms by the Governor and are subject to confirmation by the Senate.²⁴⁴ The commission is required to meet at least four times each fiscal year.²⁴⁵

The powers and duties of the commission include:²⁴⁶

- 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 commission;
- adopting and using an official seal in the authentication of its acts;
- making rules for its own governance;²⁴⁷
- 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 commission;
- serving as a central agency for collecting and distributing current information regarding institutions licensed by the commission;
- informing independent postsecondary educational institutions of laws adopted by the Legislature and rules adopted by the SBE and the commission 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 commission, 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 of Education relating to campus crime statistics, assessment of physical plant safety, and the antihazing 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
- assuring that an institution is not required to operate without a current license because of the schedule of commission meetings or application procedures, if the institution has met the commission's requirements for licensure or license renewal.

In addition, the commission has administrative powers and responsibilities, which include:²⁴⁸

- 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 commission's administration. The commission is required to make annual reports to the SBE showing in detail amounts received and all

²⁴⁴ Section 1005.21(2), F.S.

²⁴⁵ Section 1005.21(4), F.S.

²⁴⁶ Section 1005.22(1)(f)-(o), F.S.

²⁴⁷ Section 1005.22(1)(a)-(d), F.S.

²⁴⁸ Section 1005.22(1)(e), F.S.

expenditures. The commission must include in its annual report to the SBE a statement of its major activities during the period covered by the report.²⁴⁹

Effect of Proposed Changes

The bill expands the commission'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 Practices

Present Situation

Annually, private, not-for-profit postsecondary institutions located and chartered in the state of Florida, which are exempt from licensure, collect and disclose information relating to fair consumer practices. The institutional requirements relating to fair consumer practices include:²⁵⁰

- disclosing to each prospective student a statement of purpose that includes educational programs and curricula, a description of the physical facilities, licensure status, and fee schedule and related policies at least one week prior to enrollment or collection of tuition;
- assessing, prior to accepting a student, the student's ability to complete a course of study successfully;
- accurately informing each student about financial assistance and obligations for repayment of loans, describing any employment placement services available, and refraining from promising or implying guaranteed placement, market availability or salary amounts;
- 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 commission rule regarding minimum refund guidelines;
- following the requirements of state and federal laws requiring annual reporting of crime statistics and physical plant safety; and
- publishing and following procedures for handling student complaints, disciplinary actions and appeals.

In addition, institutions that are required to be licensed by the commission must disclose to prospective students that additional information regarding the institution may be obtained by contacting the commission.²⁵¹

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 commission as well as those expressly exempt from the jurisdiction of the commission 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 commission is required to prescribe the form at that institutions must use to disclose the required information.

²⁴⁹ Section 1005.22(1)(e)4., F.S.

²⁵⁰ Section 1005.04(1), F.S.

²⁵¹ Section 1005.04(2), F.S.

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 commission is responsible for determining compliance with fair consumer practices. The commission has the authority to request additional evidence and conduct further investigations, in addition to any information submitted, as the commission deems necessary.

Licensure of Institutions

Present Situation

All postsecondary institutions under the jurisdiction or purview of the commission must obtain licensure from the commission in order to operate in the state of Florida.²⁵² The commission 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.²⁵³

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 commission.²⁵⁴

When the commission 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 commission-mandated conditions, and all conditions must be met before the institution can be granted a different licensure status.²⁵⁵

The commission must ensure, through an investigative process, that 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.²⁵⁶ Agencies must provide notice of any apparent errors or omissions in an application for licensure within 30 days.²⁵⁷ 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.²⁵⁸ An application for a license must be approved or denied within 90 days after receipt of a completed application.²⁵⁹ Through an investigation, the commission must ensure that applicants for licensure meet all standards. When the investigation is not completed within 90 days and the commission has reason to believe that the applicant does not meet licensure standards, the commission or the commission'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.²⁶⁰

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.²⁶¹

²⁵² Sections 1005.31(1)(a) and 1005.06(1), F.S.

²⁵³ Section 1005.31(2), F.S.

²⁵⁴ Section 1005.31(4), F.S.

²⁵⁵ Section 1005.31(5), F.S.

²⁵⁶ Section 1005.31(6), F.S.

²⁵⁷ Section 120.60, F.S.

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ Section 1005.31(6), F.S.

²⁶¹ Section 1005.31(7).

An institution may not conduct a program unless specific authority is granted in its license. A license granted by the commission is not transferable to another institution or to another agent, and an institution's license does not transfer when the institution's ownership changes.²⁶² A licensed institution must notify the commission 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 commission or while the institution is under an injunction against operating, soliciting students, or offering an educational credential.²⁶³

Independent postsecondary educational institutions may apply for a license by means of accreditation from the commission if the institution:²⁶⁴

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

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.²⁶⁵ 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 commission.²⁶⁶

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.²⁶⁷

Effect of Proposed Changes

The bill expands the minimum standards by which the commission 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.

Under the bill, the commission 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:

- 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 commission, an accrediting agency, or other regulatory agency, including the US DOE; or
- similar circumstances that leave the institution unable to meet the needs of students or prospective students.

The bill establishes accountability requirements for commission-licensed institutions. The commission must prepare an annual accountability report for the licensed institutions by June 30, 2024, and by April 15 of each year thereafter. At a minimum, the report must include graduation rates for all licensed institutions, as well as the number of graduates by program, retention rates, and placement rates.

²⁶² Section 1005.31(8)-(9), F.S.

²⁶³ Section 1005.31(10), F.S.

²⁶⁴ Section 1005.32(1)(a)-(e), F.S.

²⁶⁵ Section 1005.32(4), F.S.

²⁶⁶ Section 1005.32(5), F.S.

²⁶⁷ Section 1005.32(7), F.S.

Under the bill, by March 15, 2024, and by November 30 of each year thereafter, each licensed institution is required to provide data to the commission in the commission's prescribed format. Placement rates will be determined using a methodology approved by the commission. The commission is required to establish a common set of data definitions for institutional reporting purposes. When a licensed institution fails to timely submit required data to the commission, the commission will impose an administrative fine of not more than \$500. Administrative fines collected must be deposited into the Student Protection Fund.

Notwithstanding the provision in section 1005.32(3), F.S., the bill provides the commission authority to require licensed institutions to provide institutional, graduate, and student data through reasonable data collection efforts as required or necessitated by statute or rule.

The bill provides the commission authority to establish performance benchmarks for the identification of high-performing licensed institutions in rule.

The bill specifies that all programs offered by a licensed institution must be disclosed to the commission, including, but not limited to:

- avocational programs;
- examination preparation programs;
- contract training programs;
- continuing education; or
- professional development programs.

The bill requires institutions to obtain accreditation before applying for commission approval to offer a prelicensure professional nursing program.

The bill requires the commission to adopt rules to implement accreditation requirements and programmatic approval.

B. SECTION DIRECTORY:

- Section 1.** Amending s. 1002.20, F.S., requiring school districts to annually review and confirm specified information is accurate and up to date; requiring school districts to send a notification to parents under certain circumstances; authorizing students to possess and use certain medication while on school property or at a school-sponsored events.
- Section 2.** Amending s. 1002.33, F.S., providing clarifying language relating to admission and dismissal procedures for charter schools.
- Section 3.** Amending s. 1002.42, F.S., conforming a cross-reference.
- Section 4.** Creating s. 1003.07, F.S., creating the Year-round School Pilot Program for a period of 4 school years beginning with a specified school year; providing the purpose of the program; providing for an application process for participation in the program; requiring the Commissioner of Education to select a certain number of school districts to participate in the program; providing requirements for participating school districts; requiring the commissioner to submit a report to the Governor and Legislature; providing requirements for such report; authorizing the SBE to adopt rules.
- Section 5.** Amending s. 1003.42, F.S., requiring the history of Asian Americans and Pacific Islanders to be included in specified instruction; providing requirements for such instruction.
- Section 6.** Amending s. 1003.4282, F.S., revising a graduation requirement for certain students.
- Section 7.** Amending s. 1004.04, F.S., revising the core curricula for certain teacher preparation programs.

- Section 8.** Amending 1004.85, F.S., revising terminology; deleting a requirement that certain certification programs be previously approved by the Department of Education; revising requirements for certain competency-based programs, certain teacher preparation field experience, and participants in certain teacher preparation programs; requiring the SBE to adopt specified rules relating to the continued approval of certain teacher preparation programs rather than by a determination of the Commissioner of Education.
- Section 9.** Amending s. 1005.04, F.S., requiring certain institutions to include specified information relating to student fees and costs in a disclosure to prospective students; requiring certain institutions to provide information affirmatively demonstrating compliance with fair consumer practice requirements.
- Section 10.** Creating s. 1005.11, F.S., requiring the Commission for Independent Education to annually prepare an accountability report by a specified date; providing requirements for such report; requiring licensed institutions to annually provide certain data to the commission by a specified date; providing requirements for the determination of a specified rate; requiring the commission to establish a common set of data definitions; requiring the commission to impose administrative fines for an institution that fails to timely submit the data; providing requirements for such fines; providing authority for the commission to require certain data reporting by certain institutions.
- Section 11.** Amending s. 1005.22, F.S., revising the powers and duties of the commission.
- Section 12.** Amending s. 1005.31, F.S., revising the commission's evaluation standards for licensure of an institution; authorizing the commission to prohibit the enrollment of new students, or limit the number of students in a program at, a licensed institution under certain circumstances; authorizing the commission to take specified actions relating to licensed institutions; authorizing the commission to establish certain benchmarks by rule; providing for the designation of certain licensed institutions as high performing.
- Section 13.** Creating s. 1005.335, F.S., requiring all programs at licensed institutions to be disclosed to the commission; requiring institutions to receive institutional accreditation prior to obtaining licensure for prelicensure professional nursing programs; requiring the commission to adopt rules.
- Section 14.** Amending s. 1006.09, F.S., providing requirements for searches of students' personal belongings.
- Section 15.** Amending s. 1006.13, F.S., creating a rebuttable presumption for certain disciplinary actions.
- Section 16.** Amending s. 1006.148, F.S., conforming a cross-reference.
- Section 17.** Amending s. 1007.27, F.S., revising the articulated acceleration mechanisms available to certain students; requiring the state board and Board of Governors to identify Florida College System institutions and state universities to develop certain courses and provide specified training; requiring the department to take specified actions relating to certain courses; authorizing the department to partner with specified organizations to develop certain assessments; providing for the award of credit to certain students; requiring the department to provide a report to the Legislature by a specified date; providing requirements for such report.
- Section 18.** Amending s. 1007.271, F.S., requiring dual enrollment courses to be age and developmentally appropriate.

- Section 19** Amending s. 1007.35, F.S., revising the responsibilities of the Florida Partnership for Minority and Underrepresented Student Achievement; conforming provisions to changes made by the act.
- Section 20** Amending s. 1008.22, F.S., authorizing school districts to select the Classic Learning Test for an annual districtwide administration for certain students.
- Section 21** Amending s. 1008.34, F.S., revising the calculation of school grades for certain schools.
- Section 22.** Amending s. 1009.531, F.S., revising the list of courses that receive additional weights for the purpose of calculating students' grade point averages when determining initial eligibility for a Florida Bright Futures Scholarship; authorizing students to earn a concordant score on the Classic Learning Test to meet the initial eligibility requirements for the Florida Bright Futures Scholarship Program.
- Section 23.** Amending s. 1009.534, F.S., authorizing students to use a combination of volunteer service hours and paid work hours to meet certain program eligibility requirements; providing that paid work hours completed on or after a specified date shall be used to meet certain program eligibility requirements.
- Section 24.** Amending s. 1009.535, F.S., authorizing students to use a combination of volunteer service hours and paid work hours to meet certain program eligibility requirements; providing that paid work hours completed on or after a specified date shall be used to meet certain program eligibility requirements
- Section 25.** Amending s. 1009.536, F.S., authorizing students to use a combination of volunteer service hours and paid work hours to meet certain program eligibility requirements; providing that paid work hours completed on or after a specified date shall be used to meet certain program eligibility requirements.
- Section 26.** Amending s. 1012.22, F.S., authorizing district school boards to review and reappoint certain staff.
- Section 27.** Amending s. 1012.34, F.S., providing school administrators are not precluded from taking specified actions.
- Section 28.** Amending s. 1012.56, F.S., revising requirements for a person seeking an educator certification; revising criteria for the award of a temporary certificate; revising the validity period for certain temporary certificates; deleting provisions relating to the department's ability to extend the validity period of certain temporary certificates; revising the requirements for the approval and administration of such programs; establishing professional education competency programs; requiring school districts to develop and maintain such a program; authorizing private schools and state-supported schools to develop and maintain such a program
- Section 29.** Amending s. 1012.57, F.S., authorizing charter school governing boards to issue adjunct teaching certificates; requiring a charter school to post specified requirements on its website and annually report specified information relating to adjunct teaching certificates to the Department of Education; conforming a cross-reference.
- Section 30.** Amending s. 1012.575, F.S., conforming a cross-reference.
- Section 31.** Amending s. 1012.585, F.S., requiring certain applicants for the renewal of a professional certificate to earn specified college credit or inservice points; providing requirements for such credit or points.
- Section 32.** Amending s. 1012.586, F.S., conforming a cross-reference.

- Section 33.** Amending s. 1012.98, F.S., defining the term "professional learning"; prohibiting specified meetings from being considered professional learning and eligible for inservice points; providing and revising requirements for certain professional learning activities; revising department and school district duties relating to such activities; providing requirements for entities contracted with to provide professional learning services and inservice education for school districts.
- Section 34.** Amending s. 1012.986, F.S., renaming the "William Cecil Golden Professional Development Program for School Leaders" as the "William Cecil Golden Professional Learning Program for School Leaders"; revising the goal of the program.
- Section 35.** Amending s. 1013.62, F.S., revising the charter school eligibility criteria for capital outlay funding.
- Section 36.** Amending 1014.05, F.S., conforming a cross-reference.
- Section 37.** Providing a directive to the Division of Law Revision.
- Section 38.** Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

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

- 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.

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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules for the review and approval of educator preparation institutes and Professional Learning Certification Programs.

The bill authorizes the Commission for Independent Education (commission) to establish performance benchmarks for the identification of high-performing licensed institutions in rule. In addition, the bill requires the commission to adopt rules to implement accreditation requirements and programmatic approval.

The bill authorizes the SBE to adopt rules to administer the year-round school pilot program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 22, 2023, the Education Quality Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differs from HB 1537 in the following ways:

- requires that all dual enrollment program courses be age and developmentally appropriate;
- requires the DOE to partner with colleges and universities to develop advanced courses and provide teacher training for such courses;
- requires the DOE to develop new assessments to measure the competencies required for general education core courses in order for students to earn postsecondary credit while in high school;

- expands the advanced course options, allowing students to take collegiate-level general education core coursework and earn college credit after passing the associated advanced course assessment established by the DOE;
- requires the SBE and the BOG to identify colleges and universities to develop secondary general education courses and provide training to course instructors;
- authorizes the DOE to partner with an independent third-party testing or assessment organization to develop assessments that measure competencies consistent with the required course competencies identified by the ACC for general education core courses;
- requires postsecondary credit to be limited to students who achieve a minimum score on a postsecondary credit assessment as identified by the DOE;
- expands eligible nationally recognized high school assessments that may be administered by school districts to students in 11th grade, to include the CLT;
- expands eligible assessments students may take to earn a FAS Award and FMS award, under the Bright Futures Scholarship Program, adding the CLT;
- requires the DOE to develop a method for determining the required examination scores students must earn on the CLT assessment and ensure the scores are concordant to those of the SAT and ACT;
- requires the ACT and CLT scores be made 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;
- requires the DOE, through the Florida Partnership for Minority and Underrepresented Student Achievement, to provide teacher training and professional development for all 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;
- provides 0.16 additional FTE for students earning postsecondary credit through advanced courses who attain the minimum assessment score, as established by the DOE;
- requires school districts to allocate at least 80 percent of the funds provided to the district for advanced course instruction to the high school that generate the funds;
- provides bonuses under specific criteria for classroom teachers who provide advanced course instruction;
- modifies one of the school grade components, the percentage of students who were eligible to earn college and career credit, by including students who are eligible to earn postsecondary credit through assessments identified by the DOE; and
- requires the DOE, in cooperation with the BOG, to issue a report to the Legislature by January 1, 2024, on the alignment between acceleration mechanisms available to secondary students and student success at the postsecondary level.

On April 12, 2023, the Appropriations Committee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- remove changes to the Florida Education Finance Program and the Florida Teacher Classroom Supply Assistance Program;
- authorize additional enforcement mechanisms for the Commission of Independent Education at the DOE and expand fair consumer practices protections as well as the commission's jurisdiction relating to minimum standards for licensure of private postsecondary institutions; and
- authorize Bright Futures Scholarship Program students to combine volunteer and paid work hours to meet initial eligibility requirements.

On April 19, 2023, the Education & Employment Committee adopted fourteen amendments and reported the bill favorably as a committee substitute. The amendments:

- require each school district to annually review and confirm that reproductive health and disease information, instructional materials, parental exemption process and form, and all associated links made available on the district's website are accurate and up to date;
- require each school district to notify parents by physical or electronic means anytime revisions are made to the reproductive health and disease information;

- allow students to possess and use medication 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 U.S. Food and Drug Administration for over-the-counter use to treat headaches;
- require any search of a student’s personal belongings, including a purse, backpack, or bookbag, to be conducted discreetly to maintain the privacy of the student’s personal items;
- require personal items that are not prohibited on school grounds to be immediately returned to the student’s personal belongings;
- clarify 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;
- modify the provision of student achievement for charter school capital outlay funding eligibility to require a charter school to 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”;
- authorize 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;
- create 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;
- authorize a district school board with an appointed superintendent to review and reappoint any member of the district executive staff;
- amend the provision for intern eligibility for temporary certification to require interns to complete the subject area content requirements specified in state board rule or demonstrate mastery of subject area knowledge;
- create, beginning with the 2024-2025 school year, a year-round school pilot program within five school districts selected by the Commissioner of Education, for a period of four years, and establish participation and reporting requirements for the pilot;
- authorize the SBE to adopt rules to administer the year-round pilot program;
- expand upon the courses eligible to be assigned additional weight for the purposes of calculating the grade point average for Florida Bright Futures eligibility to include advanced courses;
- revise graduation requirements by replacing one credit in practical arts with one credit in career and technical education;
- authorize 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;
- require the history of Asian Americans and Pacific Islanders to be included in required instruction and that instructional materials include the contributions of Asian Americans and Pacific Islanders;
- require, in any application for licensure, the person, entity, or institution asserting compliance to bear the burden of demonstrating compliance with fair consumer practices;
- modify the accountability report deadline for the Commission for Independent Education;
- modify the administrative fine imposed when a licensed institution fails to timely submit required data to the commission;
- remove the requirement for licensed institution placement rates to be determined using Florida Education and Training Placement Information Program methodology;
- require licensed institution placement rates to be determined using a methodology approved by the commission;
- specify that all programs offered by a licensed institution must be disclosed to the commission;
- remove the provision that authorizes the commission to require that an institution applying for initial licensure must provide an assurance of financial stability that meets specific requirements;
- remove the provision that an institution may not conduct a program unless specific authority is granted in its license;
- remove the requirement for every independent postsecondary institution under the commission's jurisdiction that offers degree-granting programs at the Associate level or higher to obtain and maintain institutional accreditation within seven years of initial licensure;

- remove the provision that failure to comply will result in disciplinary action, up to and including revocation of institutional licensure and barring the principals from operating the subject institution or other institutions in the state; and
- remove the provision for currently licensed institutions to comply with the accreditation requirement within five years from the bill's effective date.

The bill analysis is drafted to the committee substitute adopted by the Education & Employment Committee.