

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 443 Education

SPONSOR(S): Education & Employment Committee, Choice & Innovation Subcommittee, Valdés

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 986

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	14 Y, 0 N, As CS	Dixon	Sleap
2) Education & Employment Committee	21 Y, 0 N, As CS	Dixon	Hassell

SUMMARY ANALYSIS

The bill requires a charter school sponsor to annually provide a report to its charter schools on what administrative and educational services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the Department of Education by September 15 of each year. Additionally, a sponsor is required, as a part of providing administrative and education services to a school, to provide training on systems the sponsor will require the charter school to use.

The bill requires a charter school sponsor to timely review and reimburse federal grant funds to a charter school within 60 calendar days from the date of submission, if the submission provides all the necessary information to qualify for reimbursement. A sponsor who does not reimburse within the 60 calendar days is required to pay interest to the charter school.

The bill requires the State Board of Education to adopt rules to implement a standard monitoring tool for conducting annual site reviews of charter schools.

The bill authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school.

The bill extends the validity period of an adjunct teaching certificate from 3 to 5 years.

The bill expands the definition of "classroom teacher" eligible for the Florida Teachers Supply Assistance Program to also include an administrator or a substitute teacher who holds a valid teaching certificate and who is filling a vacancy in an identified teaching position on or before September 1 of each year.

The bill authorizes private tutoring to be provided to up to 25 students in specified facilities under existing zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

To protect the health and safety of Florida's students, the bill also requires each district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each public school cafeteria within the school district. The poster must be easily visible and prominently placed.

The bill does not appear to have a fiscal impact.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Charter Schools

Present Situation

All charter schools in Florida are tuition-free public schools within the state's public education system.¹ Charter schools are nonsectarian and operate under a performance contract with a sponsor.² This performance contract is known as a "charter."³ The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.⁴ 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."⁵

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.⁶
- State universities may sponsor charter lab schools.⁷
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.⁸

During the 2021-22 school year, over 361,939 students were enrolled in 703 charter schools in 47 of Florida's 67 school districts.⁹

Charter School Sponsor's Responsibilities

A charter school sponsor's responsibilities include:¹⁰

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.

A sponsor must provide various administrative and educational services to charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student education program administration, eligibility determination and reporting for National School Lunch

¹ 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.

² Section 1002.33(1), (7), and (9)(a), F.S.

³ Section 1002.33(7) and (9)(c), F.S.

⁴ Section 1002.33(2)(b)3. and (16), F.S.

⁵ Section 1002.33(2)(a)1., F.S.

⁶ 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.

⁷ Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

⁸ Section 1002.34(3)(a)-(b), F.S.

⁹ Florida Department of Education, *Fact Sheet, Office of Independent Education & Parental Choice, Florida's Charter Schools* (Sept. 2022), available at [Charter-Sept-2022 \(fldoe.org\)](https://fldoe.org/Charter-Sept-2022).

¹⁰ Section 1002.33(5)(b), F.S.

Program, assessment test administration, processing of teacher certification data and student information services.¹¹

A sponsor may withhold an administrative fee for the various administrative services provided to the charter school. The amount withheld is a percentage based on weighted full-time equivalent students.¹² The administrative fee is calculated, up to five percent for:¹³

- Enrollment of up to and including 250 students in a charter school or virtual charter school.
- Enrollment of up to and including 500 students within a charter school system and meets all of the following:
 - Includes conversion charter schools and nonconversion charter schools.
 - Has all of its schools located in the same county.
 - Has a total enrollment exceeding the total enrollment of at least one school district in Florida.
 - Has the same governing board for all of its schools.
 - Does not contract with a for-profit service provider for management of school operations.

A sponsor may withhold up to two percent for enrollment of up to and including 250 students in a high-performing charter school or up 250 students in an exceptional student education center that meets specified requirements.¹⁴

The sponsor is required to provide to the Department of Education (DOE), by September 15 of each year, the total amount of funding withheld from the charter schools for the prior fiscal year.¹⁵

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.¹⁶ The following chart summarizes how a charter school’s share of FEFP funds is determined:

Calculating a Charter School’s Share of FEFP Funds ¹⁷						
Sum of the district’s operating funds from the FEFP and the General Appropriations Act (GAA), including the district’s gross state and local funds, discretionary lottery funds, and funds from the district’s current operating discretionary tax levies	÷	The total funded weighted full-time equivalent students in the district	×	The weighted full-time equivalent students for the charter school	=	Charter school allotment of FEFP dollars

¹¹ Section 1002.33(20)(a)1., F.S.

¹² Section 1002.33(20)(a)2., F.S., If a charter school serves 75 percent or more exceptional education students, the percentage is required to be calculated based on unweighted full-time equivalent students.

¹³ Section 1002.33(20)(a)2.a., F.S.

¹⁴ Section 1002.33(20)(a)b.-c., F.S. A charter school that is an exceptional student education center and that receives two consecutive ratings of “maintaining” or higher may replicate its educational program. The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the requirements and provide a letter to the charter school and the sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school, *see s. 1008.3415*, F.S.

¹⁵ Section 1002.33(20)(a)4., F.S.

¹⁶ Section 1002.33(17)(a)-(b), F.S.

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

A charter school is also entitled to a proportionate share of categorical funds included in the FEFP for students who qualify for the categorical.¹⁸ 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.¹⁹

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.²⁰

Sponsors are required to make timely and efficient payment and reimbursements to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible to receive.²¹

Once a sponsor receives state or federal funds, the payments must be issued to the charter school no later than 10 working days after receipt of such funds. If a warrant for payment is not issued within 10 working days after receipt, the sponsor is required to pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of one percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued.²²

Currently, the law does not address timely review and reimbursement of federal grant funds to charter schools.

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.²³ The charter school governing board determines the school's capacity based upon its contract.²⁴ 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.²⁵ Enrollment preference may be given to:²⁶

- 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

¹⁸ Section 1002.33(17)(b), F.S.

¹⁹ 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).

²⁰ Section 1002.33(17)(b)1., 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.

²¹ Section 1002.33(17)(e), F.S.

²² *Id.*

²³ 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>.

²⁴ Section 1002.31(2)(b), F.S.

²⁵ Section 1002.33(10)(b), F.S.

²⁶ Section 1002.33(10)(d)1.-3. and 5.-7., F.S.

- children who attend or are assigned to a failing school.

Additionally, a charter school-in-the-workplace may give enrollment preference to students whose parents are employees of the school's business partner and students whose parents are residents of the municipality in which the school is located. A charter school-in-a-municipality may also give enrollment preference to students whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.²⁷

Standard Charter Forms

The Department of Education (DOE) must provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created.²⁸ The information must include the standard application form, standard charter and virtual charter contracts, standard evaluation instrument, and standard charter and virtual charter renewal contracts.²⁹ To fulfill these requirements, the DOE, after consulting with sponsors and charter school directors,³⁰ must recommend that the State Board of Education (SBE) adopt rules to implement the forms.³⁰

Safe-School Officers

District school boards and school district superintendents are required to partner with law enforcement or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options in order for charter schools to satisfy the requirement that at least one safe-school officer be present on each school facility.³¹

A safe-school officer may be a school resource officer,³² school safety officer,³³ school guardian,³⁴ or a school security guard.³⁵

Effect of Proposed Changes

The bill requires a charter school sponsor to annually provide a report to its charter schools on what administrative and educational services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the DOE by September 15 of each year.

The bill implements a requirement for the timely review and reimbursement of federal grant funds to charter schools. Under the bill, a sponsor must reimburse a charter school for federal grant funds within 60 calendar days from the date of submission, if the submission provides all the necessary information to qualify for reimbursement. If a warrant for payment is not made within the 60 calendar days after an approved submittal for reimbursement of federal grant funds, the sponsor is required to pay the charter school, in addition to the amount of the scheduled disbursement, an interest rate of one percent per month calculated on a daily basis on the unpaid balanced from the expiration of the 60 calendar days for the reimbursement of the federal grant funds.

²⁷ Section 1002.33(10)(d)4.a.-b., F.S.

²⁸ Florida Department of Education, *Charter Schools New Application*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-resources/new-applicant/> (last visited Mar. 22, 2023).

²⁹ Section 1002.33(21), F.S.

³⁰ Section 1002.33(28), F.S. and Rule 6A-6.0786.

³¹ Section 1006.12, F.S.

³² Section 1006.12(1), F.S.

³³ Section 1006.12(2), F.S.

³⁴ Section 1006.12(3), F.S.

³⁵ Section 1006.12(4), F.S.

Additionally, the bill requires a sponsor, as a part of providing administrative and education services to a school, to provide training on systems the sponsor will require the charter school to use.

The bill authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school and requires the SBE to adopt rules to implement a standard monitoring tool for conducting annual site reviews of charter schools.

District School Board Duties and Responsibilities

Present Situation

The Florida Constitution provides that each county in Florida constitutes a school district and requires each district to be governed by a school board comprised of at least five members who serve staggered terms of four years.³⁶ Additionally, the Florida Constitution states, “the school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed [by the constitution].”³⁷

As a part of a school board’s responsibility for the operation and control of public K-12 schools in their district, a board must establish, organize, and operate their public schools and educational programs, employees, and facilities.³⁸ To fulfill these requirements and to provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, the district school board must:³⁹

- Adopt rules for admitting, classifying, promoting, and graduating students to or from the various schools of the district.
- Provide for the enforcement of all laws and rules relating to the attendance of students at school.
- Adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion and maintain a code of student conduct.
- Provide adequate instructional materials for all students in the core courses of mathematics, language arts, social studies, science, reading, and literature.
- Make provision for the transportation of students to the public schools or school activities they are required or expected to attend, efficiently and economically.
- Approve and adopt a districtwide school facilities program.
- Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property.
- Approve and adopt a districtwide school building program.
- Provide for the operation of all public schools as free schools for a term of 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for the minimum term; and arrange for the levying of district school taxes necessary to provide the amount needed from district sources.
- Keep all necessary records and make all needed and required reports, as required by law or by rules of the State Board of Education.
- At the beginning of each school year, notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early graduation.
- Notify the parent of a student who earns an industry certification that articulates for postsecondary credit of the estimated cost savings to the parent before the student’s high school graduation versus the cost of acquiring such certification after high school graduation, which would include the tuition and fees associated with available postsecondary credits.

³⁶ Art. IX s. (4)(a), Fla. Const.

³⁷ Art. IX s. (4)(b), Fla. Const.

³⁸ Section 1003.02, F.S.

³⁹ Section 1003.02(1)(a)-(j), F.S.

Emergency Response to a Choking Student

The Florida Department of Health, in its oversight role for School Health Programs, publishes an Emergency Guide for Schools (Guidelines).⁴⁰ The Guidelines provide step by step directions for school personnel in response to a number of medical emergencies that could occur on campus.⁴¹ The Guidelines also provide a Student Injury Report form to permit school personnel to document the facts surrounding the incident.⁴²

Specifically related to choking, the guidelines recommend that schools designate at least one employee who has received instruction in choking rescue to be present in the cafeteria at all meals.⁴³ The guidelines also contain step by step instructions, including illustrations, on the appropriate rescue response to a choking incident for anyone, infants through adults.⁴⁴

Additionally, there are publicly available training and resources on the appropriate response to a child choking in the school setting.⁴⁵

Effect of Proposed Changes

The bill requires each district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each public school cafeteria within the school district. The poster must be easily visible and prominently placed.

Educator Certification

Present Situation

The DOE issues three types of educator certificates:

- Professional Certificate. The professional certificate is Florida's highest type of full-time educator certification.⁴⁶ The professional certificate is valid for 5 years and is renewable.⁴⁷
- Temporary Certificate. The temporary certificate covers employment in full-time positions for which educator certification is required.⁴⁸ In 2023, the Florida Legislature extended the validity period for a nonrenewable temporary certificate from 3 to 5 years.⁴⁹
- Athletic Coaching Certificate. The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.⁵⁰ The DOE issues two types of athletic coaching certificates – one is valid for 5 years and may be issued for subsequent 5-year periods

⁴⁰ Florida Department of Health, *Emergency Guidelines for Schools 2019 Florida Edition*, available at <https://www.floridahealth.gov/programs-and-services/childrens-health/school-health/documents/emergency-guidelines-for-schools-2019.pdf>.

⁴¹ *Id.* Medical emergencies for which the Guidelines provide information include, but are not limited to, allergic reactions, burns, CPR (infant, child, and adult), fractures and sprains, head injuries, heat emergencies, poisoning and overdose, seizures, unconsciousness, and vomiting. *Id.* at 1.

⁴² *Id.* at 8.

⁴³ *Id.* at 24.

⁴⁴ *Id.* at 28. This guidance is applied to an individual that is choking but remains conscious. If the individual has lost consciousness, the Guidelines recommend performing CPR on the individual to clear the air passage. *Id.* at 24-27.

⁴⁵ Act Fast Anti Choking Trainer, *Choking Prevention and First Aid for School Age Children*, available at <https://www.actfastmed.com/wp-content/uploads/2021/08/ActFast-Instructional-Guide-4-28-17.pdf>.

⁴⁶ Rule 6A-4.004(3), F.A.C.

⁴⁷ 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.

⁴⁸ Rule 6A-4.004(1)(a)2., F.A.C.

⁴⁹ Chapter 2023-16, L.O.F.

⁵⁰ Section 1012.55(2)(a), F.S.

while the other is valid for 3 years and may be issued only once.⁵¹ The 5-year certificate requires satisfaction of certain specialization requirements established in rule.⁵²

To be eligible for an educator certificate, a person must:⁵³

- 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 learning⁵⁴ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;⁵⁵
- 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.

An applicant must submit an application and the required fee to the DOE.⁵⁶

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 issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.⁵⁷ School districts are required to:⁵⁸

- 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

To align with extension of Florida's temporary teaching certificate from 3 to 5 years, the bill extends the validity period for an adjunct teaching certificate from 3 to 5 years.

The Florida Teachers Supply Assistance Program

Present Situation

⁵¹ Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

⁵² See rule 6A-4.0282, F.A.C.

⁵³ Section 1012.56(2)(a)-(f), F.S.

⁵⁴ 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 Apr. 6, 2023) (list of accrediting agencies approved by the U.S. Department of Education).

⁵⁵ 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.

⁵⁶ 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.

⁵⁷ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

⁵⁸ Section 1012.57(6)(a)-(b), F.S.

The Florida Teacher Supply Assistance Program (program) provides funds to school districts and charter schools for classroom teachers⁵⁹ to purchase, on behalf of school districts or charter schools, classroom materials and supplies for the public school students assigned to them.⁶⁰ Program funds are appropriated by the Legislature in the GAA and distributed by July 15 to each school district by the Commissioner of Education based on the district's proportionate share of the state's total unweighted full time equivalent student enrollment.⁶¹

District school boards are required to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who is estimated to be employed by the school district or a charter school in the district by September 1 of each year. A job-share classroom teacher⁶² may receive a prorated share of the amount provided to a full-time classroom teacher.⁶³

As of July 1 of each school year, if a classroom teacher is expected to be employed by a school district or charter school in the district on September 1, then the district school board and each charter school governing board may provide the teacher with their proportionate share by August 1. If a teacher's expected employment is determined after July 1, then the district school board and each charter governing board must provide the teacher with the teacher's proportionate share of funds by September 30.⁶⁴

Each classroom teacher must sign a statement acknowledging receipt of the funds, and keep receipts for at least four years to show that the funds were spent as required by the program. Any unused funds must be returned to the district school boards at the end of the regular school year.⁶⁵

The 2022-2023 GAA appropriate \$54,143,275 to the program.⁶⁶

Effect of Proposed Changes

The bill expands the definition of "classroom teacher" eligible for program funds to also include an administrator or a substitute teacher who holds a valid teaching certificate and who is filling a vacancy in an identified teaching position on or before September 1 of each year.

To conform to the expanded program eligibility, the bill requires a school district to calculate a prorated share of the program funds for a classroom teacher who teaches less than full time.

Private Tutoring Program

Present Situation

With few exceptions, Florida law requires all children who will be six years of age on February 1, of each school year and are less than 16 years of age to attend school regularly. Children who will be five years of age by September 1, of each school year are eligible for public kindergarten.⁶⁷

⁵⁹ Section 1012.71(1), F.S. A classroom teacher means a certified teacher employed by a public school district or public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance program.

⁶⁰ Section 1012.71, F.S. The funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds are to be used to supplement the materials and supplies otherwise available to classroom teachers.

⁶¹ Section 1012.71(2), F.S.

⁶² *Id.* at 20, A job-share classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

⁶³ Section 1012.71(3), F.S.

⁶⁴ *Id.*

⁶⁵ Section 1012.71(4), F.S. Unused funds shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored.

⁶⁶ Specific Appropriations 5 and 89, s. 2 ch. 2022-156, L.O.F

⁶⁷ Section 1003.21(1)(a), F.S.

Regular attendance, as required under the law, can be satisfied by attendance in:⁶⁸

- a public school supported by public funds;
- a parochial, religious, or denominational school;
- a private school supported in whole or in part by tuition charges or by endowments or gifts;
- a home education program; or
- a private tutoring program.

Attendance in a private tutoring program satisfies regular school attendance if the person tutoring the student meets the following requirements:⁶⁹

- Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.
- Keeps all records and make all reports required by the state and district school board and makes regular reports on the attendance of students.⁷⁰
- Requires students to be in actual attendance for the minimum length of time prescribed by the law and by rules of the SBE and district school boards.⁷¹

Effect of Proposed Changes

The bill authorizes private tutoring to be provided to up to 25 students in any commercial building with a valid certificate of occupancy, library, community service, museum, performing arts, theatre, cinema, or church facility; in any facility or land owned by a FCS institution or university; in any similar public institution facility; and in any facility recently used to house a school or licensed child care facility⁷² within the preexisting zoning and land use designations of the facility without obtaining a special exception, rezoning, or a land use change so long as the provision of such tutoring meets all applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 1002.33, F.S.; authorizing charter schools to give enrollment preference to specified students; requiring charter school sponsors to timely review and reimburse specified grant funds; requiring such funds to be reimbursed within a specified time period; providing for the payment of interest to charter schools under certain circumstances; requiring charter school sponsors to provide specified training and a certain report to its charter schools; requiring the report to be submitted to the Department of Education by a specified date; requiring the State Board of Education to adopt rules to implement a standard monitoring tool.
- Section 2:** Amends s. 1002.43, F.S.; authorizing private tutoring of a specified number of students to take place in specified facilities under existing zoning and land use designations without obtaining a special exception, rezoning, or a land use change.
- Section 3:** Amends s. 1003.02, F.S.; requiring a poster containing specified information relating to choking to be placed in public school cafeterias; providing requirements for the placement of such posters.
- Section 4:** Amends s. 1012.57, F.S.; revising the validity period of an adjunct teaching certificate.
- Section 5:** Amends s. 1012.71, F.S.; revising the definition of the term “classroom teacher”; requiring district school boards to calculate prorated shares of funds from the Florida Teachers Classroom Supply Assistance Program for certain classroom teachers.

⁶⁸ Section 1003.01(13), F.S.

⁶⁹ Section 1002.43, F.S.

⁷⁰ See also s.1011.60(2), F.S.

⁷¹ See also s. 1003.23(2), F.S.

⁷² The child care facility must be licensed under s. 402.305, F.S.

Section 6: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not appear to have a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill authorizes the State Board of Education to adopt rules to implement a standard charter school monitoring tool.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 27, 2023, the Choice & Innovation Subcommittee adopted a Proposed Committee Substitute (PCS) with one amendment and reported the bill favorably as a committee substitute. The PCS, as amended, differed from HB 443 in the following ways:

- removes the requirement for sponsors to provide charter schools training on statutory requirements;
- removes the withholding of funding for a sponsor that does not allow a charter school to participate in training;
- removes requirements for the Department of Education (DOE) to withdraw administrative fee costs if sponsor services are not being rendered;
- removes extending the validity period of a statement of status of eligibility to qualify for educator certification to 5 years and a professional certificate to 10 years;
- removes revised eligibility for a professional teaching certificate;
- removes the requirement for an administrator or substitute teacher to petition the DOE for the Florida Teacher Classroom Supply Assistance Program (program) funds;
- expands the definition of classroom teacher to also include an administrator or a substitute teacher who holds a valid teaching certificate to be eligible to receive funds from the program;
- authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school.

The bill analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.

On April 11, 2023, the Education & Employment Committee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- extend the validity period for an adjunct teaching certificate from 3 to 5 years;
- authorize private tutoring to be provided to up to 25 students in specified facilities under existing zoning and land use designations without obtaining a special exception, rezoning, or a land use change;
- require a charter school sponsor to timely review and reimburse federal grant funds to a charter school within 60 calendar days from the date of submission, if the submission provides all the necessary information to qualify for reimbursement;
- requires a sponsor who does not reimburse within the 60 calendar days to pay interest to the charter school; and
- require a district school board to hang a poster that contains step-by-step instructions on how to provide emergency first aid for choking on conscious individuals in each school cafeteria.

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