

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 986

INTRODUCER: Senator Burgess

SUBJECT: Education

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Pre-meeting
2.			AED	
3.			FP	

I. Summary:

SB 986 modifies provisions related to charter school sponsors, educator certification, and the Florida Teachers Classroom Supply Assistance Program. The bill adds accountability measures for charter school sponsors by requiring the:

- Florida Department of Education (FDOE) to develop a standardized annual periodic review and evaluation form to meet the criteria of the charter contract.
- Sponsor to provide training to charter schools, to the same extent it provides training to its employees, and to notify charter schools of open vacancies for training in the district and allow them to participate, subject to financial penalties.
- Sponsor to annually provide a report to its charter schools and the FDOE on what services are being rendered from the sponsor's portion of the administrative fee. The FDOE may impose financial penalties if services are not being rendered.

The bill extends validity period of a professional certificate from 5 years to 10 years, and removes general knowledge and subject area knowledge requirements for educators to meet specified training and evaluation criteria.

In addition, the bill modifies the Florida Teachers Classroom Supply Assistance Program (Program) to support more classroom teachers by:

- Expanding the definition of a classroom teacher for purposes of the Program.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.
- Authorizing an administrator or a substitute teacher acting dually as a classroom teacher to petition the FDOE for a portion of the Program allocation.

The bill takes effect on July 1, 2023.

II. Present Situation:

Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.¹ Forty-five states and the District of Columbia have enacted charter school laws as of January 2020.² Nationally, between the 2009-2010 and 2018-2019 school years, the percentage of all public schools that were charter schools increased from 5 to 8 percent, and the total number of charter schools increased from 5,000 to 7,400. The percentage of public school students nationwide attending charter schools increased from 3 to 7 percent between fall 2009 and fall 2018.³

All charter schools in Florida are public schools and are part of the state’s public education system.⁴ During the 2021-2022 school year, 361,939 students were enrolled in 703 charter schools in 47 districts.⁵ Seventy percent of the students attending charter schools in the 2021-2022 school year were minorities. Hispanic students comprised 45 percent of Florida’s charter school enrollment, and 19 percent were African-American students.⁶

Charter School Sponsors

A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.⁷ A state university may sponsor a charter school (charter lab school)⁸ and upon the approval by the State Board of Education (SBE), may sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.⁹ Additionally, Florida College System (FCS) institutions, upon the approval of the SBE, may sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certification to eligible charter school students.¹⁰

A charter school sponsor has several responsibilities, including:¹¹

- Approving or denying charter school applications.
- Overseeing each sponsored school’s progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Education Commission of the States, *50-State Comparison: Charter School Policies* <https://www.ecs.org/charter-school-policies/> (last visited Mar. 5, 2022).

³ National Center for Education Statistics, *Public Charter School Enrollment*, <https://nces.ed.gov/programs/coe/indicator/cgb> (last visited Mar. 5, 2022).

⁴ Section 1002.33(1), F.S.

⁵ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

⁶ *Id.*

⁷ Section 1002.33(5)(a)1., F.S.

⁸ Section 1002.33(5)(a)2., F.S.

⁹ Section 1002.33(5)(a)3., F.S.

¹⁰ A charter school currently operated by an FCS institution is not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. Section 1002.33(5)(a)3.b., F.S. and Section 1002.34(3)(b), F.S.

¹¹ Section 1002.33(5)(b), F.S.

- Ensuring that the school participates in the state’s education accountability system.
- Ensuring that the charter is innovative and consistent with state education goals.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.

Administrative and Educational Services

A sponsor must provide administrative and educational services including contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services.¹²

A sponsor may withhold an administrative fee of up to five percent of each charter school’s total operating funds for enrollment of up to and including:¹³

- 250 students in a charter school or virtual charter school.
- 500 students within a charter school system which meets specified conditions.¹⁴

A sponsor may withhold an administrative fee of up to 2 percent of each charter school’s total operating funds for enrollment of up to and including 250 students in a high performing charter school¹⁵ or 250 students in an exceptional student education center than meets specified requirements.¹⁶

Educator Certification

Educational personnel in public schools must possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.¹⁷ 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 FDOE.¹⁸

The SBE designates the certification subject areas, establishes competencies, and adopts rules in accordance with which education certificates are issued by the FDOE to qualified applicants.¹⁹

¹² Section 1002.33(20)(a)1., F.S.

¹³ Section 1002.33(20)(a)2., F.S.

¹⁴ *Id.* The charter school system must include conversion charter schools and nonconversion charter schools, have all of its schools located in the same county, have a total enrollment exceeding the total enrollment of at least one school district in Florida, have the same governing board for all of its schools, and does not contract with a for-profit service provider for management of school operations.

¹⁵ Section 1002.331, F.S.

¹⁶ *Id.* and Section 1008.3415, F.S.

¹⁷ Section 1012.54, F.S.

¹⁸ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁹ Section 1012.55(1)(a), F.S.

General Eligibility

Each person seeking certification must submit a completed application. The FDOE must issue within 90 calendar days after receipt of the application a.²⁰

- Professional certificate to a qualifying applicant.
- Temporary certificate to a qualifying applicant.
- Statement of status of eligibility if an applicant does not meet the requirements for a professional or temporary certificate.

In order to seek educator certification, a person must attest to uphold the principles of the United States and meet other general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.²¹

Professional Educator Certificate

A professional teaching certificate is valid for five school fiscal years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of.²²

- General knowledge, only if serving as a classroom teacher.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge include passing one of several different examinations identified by the SBE, having a valid teaching certificate from another state, having a valid certificate from the National Board for Professional Teaching Standards (NBPTS), teaching a minimum of two semesters in either full-time or part-time status at a state college or university or at the private college level, or having a master's or higher degree from an accredited postsecondary education institution.²³

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.²⁴

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.²⁵ Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional development education competency program.²⁶

²⁰ Section 1012.56(1), F.S.

²¹ Section 1012.56(2), F.S., and Rule 6A-4.003, F.A.C.

²² Section 1012.56(2)(g)-(i), F.S.

²³ Section 1012.56(3), F.S.; and Rule 6A-4.004, F.A.C.

²⁴ Section 1012.56(5), F.S., and Rule 6A-4.002(4), F.A.C.

²⁵ FDOE, *Competencies and Skills Required for Teacher Certification in Florida* (Oct. 1, 2020), incorporated by reference in rule 6A-4.0021, F.A.C., available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10344>.

²⁶ Section 1012.56(6), F.S.

Temporary Educator Certificate

A temporary teaching certificate is valid for three school years and is nonrenewable.²⁷ The FDOE is required by law to issue a temporary certificate to any applicant who:²⁸

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the FDOE at the level required for the subject area specialization in SBE rule.

A person who is issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment.²⁹

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.³⁰

Statement of Status of Eligibility

Pursuant to law³¹, the FDOE must issue within 90 calendar days after receipt of a completed application, if the applicant does not meet the requirements for either a professional or temporary certificate, an official statement of status of eligibility (statement of status).³² The statement of status must be provided electronically and must advise the applicant of any qualification that must be completed to qualify for certification and each method by which an applicant can complete the qualifications for a professional certificate must be included in the statement of status. Each statement of status is valid for three years after the date of issuance subject to specified requirements.³³

The Florida Teachers Classroom Supply Assistance Program

The Florida Teachers Classroom Supply Assistance Program (Program) provides funds for classroom teachers to purchase supplemental materials and supplies for public school students assigned to them.³⁴ Program funds are appropriated by the Legislature in the General Appropriations Act (GAA) and distributed by July 15 to each school district by the Commissioner of Education based on each district's unweighted full-time equivalent student enrollment.³⁵

²⁷ Section 1012.56(7), F.S.

²⁸ Section 1012.56(7)(b), F.S. As specified in law, an alternative pathway for a temporary certificate is available for a military service member, for a subject area specialization for which the SBE otherwise requires a bachelor's degree.

²⁹ Section 1012.56(7)(d), F.S.

³⁰ FDOE, *Upgrading from the Temporary to the Professional Certificate*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.stml> (last visited Feb. 27, 2023).

³¹ Section 120.60, F.S.

³² Section 1012.56(1)(c), F.S.

³³ *Id.* and Section 1012.56(2)(d), F.S.

³⁴ Section 1012.71, F.S.

³⁵ Section 1012.71(2), F.S. Funds from the Program may not be used to purchase equipment. *Id.*

School districts are required to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who will be employed by the district or a charter school in the district on September 1. A job-share classroom teacher³⁶ may receive a prorated share of the amount provided to a full-time classroom teacher. As of July 1, if a teacher is expected to be employed by a school district or a charter school in the district on September 1, the district school board and each charter school board may provide the teacher with the teacher's proportionate share of funds by August 1. If a teacher's expected employment is determined after July 1, the district school board and each charter school board must provide the teacher with the teacher's proportionate share of funds by September 30.³⁷

A teacher must acknowledge receipt of the funds and keep receipts for at least four years to show that funds were spent in accordance with Program requirements.³⁸ Any unused funds must be returned to the district school board at the end of the school year.³⁹

The 2022-2023 GAA appropriated \$54,143,275 to the Program.⁴⁰

III. Effect of Proposed Changes:

SB 986 modifies provisions related to charter school sponsors, educator certification, and the Florida Teachers Classroom Supply Assistance Program (Program).

Charter School Sponsors

SB 986 modifies s. 1002.33, F.S., to add accountability measures for charter school sponsors by requiring the:

- Florida Department of Education (FDOE) to develop a standardized annual periodic review and evaluation form (standard review form) to be completed by sponsors which meets the criteria of the standard charter or virtual charter contract. The bill specifies that any term or condition on a sponsor-proposed review and evaluation form that differs from the SBE-adopted standard review form would be presumed a limitation on charter school flexibility. This is consistent with a current requirement that the FDOE develop a sponsor evaluation framework to provide uniformity in charter school authorization.
- Sponsor to provide training to charter schools, to the same extent that the sponsor provides training to its employees, on:
 - Statutory requirements.
 - Systems the sponsor will require the charter schools to use.
 - Rule changes from the FDOE.

³⁶ Section 1012.71(3), F.S. 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.

³⁷ *Id.*

³⁸ Section 1012.71(4), F.S.

³⁹ *Id.* Funds that are returned to the district board 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, as applicable.

⁴⁰ Specific Appropriation 5 and 86, s. 2, ch. 2022-156, Laws of Fla.

- Sponsor to notify charter schools of open vacancies for training in the district and allow charter school personnel to participate. If a sponsor does not allow a charter school to participate in such training, the FDOE may ask the SBE to withhold funding.
- Sponsor to annually provide a report to its charter schools on the services provided from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the FDOE annually by September 15th. Upon FDOE review, the FDOE may withdraw the district's portion of the administrative fee if the FDOE determines that services are not being provided. Any withdrawn funds must be refunded to the appropriate charter schools within 30 days of such a determination.

Educator Certification

The bill modifies s. 1012.56, F.S., to support public and charter school teachers by extending the validity period of a professional certificate from 5 years to 10 years. However, the bill does not modify requirements for renewal of a professional certificate; under the bill teachers would have 10 years to complete the requirement of 6 college credits or 120 inservice hours for renewal of a professional certificate.

The bill also modifies the requirements for an applicant to earn a professional certificate by removing the requirement that an applicant demonstrate mastery of general knowledge and subject area knowledge if that applicant completes an approved professional preparation and education competence program or an approved educator preparation institute and his rated highly effective on an performance evaluation.

The bill also extends from 3 years to 5 years the validity period for the statement of status of eligibility. .

The Florida Teachers Classroom Supply Assistance Program

The bill modifies s. 1012.71, F.S., to expand the reach of the Florida Teachers Classroom Supply Assistance Program (Program) by:

- Expanding the definition of a classroom teacher for purposes of the Program to include an administrator or a substitute teacher who is filling a vacancy in an identified teaching position on or before September 1 of each year and who holds a valid teaching certificate.
- Requiring a school district to calculate a prorated share of the funds to a classroom teacher who teaches less than full time.
- Authorizing an administrator or a substitute teacher filling a vacancy in an identified teaching position on or before September 1 of each year to petition the FDOE for a portion of the Program allocation.
- Requiring the FDOE to develop the form an administrator or substitute teacher may use to petition the FDOE for a portion of the Program funds, review such form, and render a decision to the applicant and the school district within 30 days on any such petition.
- Requiring an applicant whose petition is approved to meet all other requirements of the Program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to s. 1012.71, F.S., which establishes the Florida Teachers Classroom Supply Assistance Program (Program), the Commissioner of Education calculates, from the total amount appropriated to the Program, the proportionate share for each district based on enrollment, and distributes those funds to school districts by July 15.

The bill requires an administrator or substitute teacher to petition the Florida Department of Education (FDOE) for a portion of the Program funds, and the FDOE to render a decision within

30 days. Because the funds have already been distributed to school districts, any partial distribution of funds should be at the discretion of the school district.

The Senator may consider removing this requirement.

VIII. Statutes Affected:

This bill substantially amends sections 1002.33, 1012.56, and 1012.71 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.