

**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.)

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

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BILL: SB 996

INTRODUCER: Senator Burgess

SUBJECT: Education

DATE: January 29, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	<b>Pre-meeting</b>
2.			AED	
3.			FP	

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**I. Summary:**

SB 996 makes several changes to Florida’s K-12 public schools. Specifically the bill:

- Clarifies the process for students enrolled in an approved virtual instruction program provider or virtual charter school to participate in statewide, standardized assessments and assessments in the coordinated screening and progress monitoring system.
- Creates the Purple Star School District program.
- Authorizes school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program.
- Deletes the requirement that school principals are required to notify parents by certified mail prior to placing a student in a dropout prevention and academic intervention program, in favor of notification by telephonic or electronic means.
- Removes the authority of school districts to offer second chance schools.
- Prohibits school districts from identifying students as eligible to receive services through the dropout prevention and academic intervention program based solely on a student having a disability, and requires an academic intervention plan for each student enrolled in a dropout prevention and academic intervention program.
- Revises the deadlines for submission of turnaround plans and requirements under a turnaround option available to low performing schools and specifies the responsibilities of a school district and charter school in implementing a turnaround plan for a public school reopening as a charter school.
- Authorizes the Commissioner of Education to appoint and remove the executive director for the Education Practices Commission.

The bill takes effect July 1, 2024.

## II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

## III. Effect of Proposed Changes:

### Virtual Schools

#### *Present Situation*

##### Virtual Instruction Programs

Virtual instruction programs are provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>1</sup> Each school district is required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.<sup>2</sup> To provide students residing within the school district the option of participating in virtual instruction programs, a school district may:<sup>3</sup>

- Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School.
- Contract with an approved virtual instruction program provider for the provision of a full-time or part-time.
- Enter into an agreement with other school districts to allow the participation of its students in an approved virtual instruction program provided by the other school district.
- Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs.
- Enter into an agreement with a virtual charter school authorized by the school district.

The Department of Education is required to annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs.<sup>4</sup>

Students enrolled in a school district's virtual instruction program must participate in statewide assessments and participate in the coordinated screening and progress monitoring system.<sup>5</sup> Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract<sup>6</sup> with a qualified contractor to administer and proctor statewide, standardized assessments.<sup>7</sup> If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.<sup>8</sup>

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<sup>1</sup> Section 1002.45(1)(a)3., F.S.

<sup>2</sup> Section 1002.45(1)(b)1., F.S.

<sup>3</sup> Section 1002.45(1)(c), F.S.

<sup>4</sup> Section 1002.45(2)(a), F.S.

<sup>5</sup> Section 1002.45(5)(b), F.S.

<sup>6</sup> Section 1008.24(3), F.S. School district may contract with qualified contractors to administer and proctor statewide, standardized assessments.

<sup>7</sup> Section 1002.45(5), F.S.

<sup>8</sup> *Id.*

### Statewide Assessments and the Coordinated Screening and Program Monitoring

Florida's statewide, standardized assessments measure the extent to which students have mastered the state academic standards. Florida and federal law require that all public school students participate in statewide, standardized English Language Arts (ELA) and Mathematics assessments at least annually beginning in the 3<sup>rd</sup> grade,<sup>9</sup> and a science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.<sup>10</sup> Students must also participate in statewide, standardized end-of-course (EOC) assessments in Algebra I, Geometry, Biology I, Civics, and U.S. History.<sup>11</sup>

All Voluntary Prekindergarten (VPK) providers and public schools in Florida are required to participate in a coordinated screening and progress monitoring system (CSPM) for students in VPK through grade 8 in mathematics and VPK through grade 10 in ELA.<sup>12</sup> The CSPM is administered three times a year. The end-of-year comprehensive progress monitoring assessment administered to students is considered the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.<sup>13</sup>

### *Effect of Proposed Changes*

The bill amends section 1002.45, F.S., to clarify the process for students enrolled in an approved virtual instruction program provider or virtual charter school to participate in all statewide standardized assessments and in the coordinated screening and progress monitoring system. The bill requires that the virtual instruction program provider or virtual charter school provide the school district a list of students to be tested, which includes student names, Florida Education Identifiers, grade levels, assessments to be administered and contact information. Additionally, the bill requires that, unless an alternative testing site is agreed upon, all assessments must be taken at the school to which the student would be assigned according to the district school board attendance areas. Finally, the bill requires school districts to provide the student with access to the school or district testing facilities and the date and time of the administration of each statewide assessment.

### **Purple Star School Districts**

#### *Present Situation*

In 2021, the Legislature established Purple Star Campuses to identify schools that demonstrate a commitment to or provide critical transition supports for military-connected families.<sup>14</sup> For a school to earn a Purple Star School Distinction the school must:<sup>15</sup>

- Designate a staff member as a military liaison.

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<sup>9</sup> Section 1008.22(3), F.S.; 20 U.S.C. s. 6311(2)(b)(v)(II).

<sup>10</sup> *Id.*

<sup>11</sup> Section 1008.22(3)(b), F.S.

<sup>12</sup> Section 1008.25, (9) F.S.

<sup>13</sup> Section 1008.22(3)(a) and (b), F.S.; Rule 6A-1.09422(4), F.A.C. The State Board of Education establishes three test administration windows for the CSPM, and districts can select the dates within each window to administer the assessments.

<sup>14</sup> Chapter 2021-65, s. 1, Laws of Fla.

<sup>15</sup> Section 1003.051(2), F.S.

- Maintain a web page on the school’s website which includes resources for military students and their families.
- Maintain a student-led transition program that assists military students in transitioning into the school.
- Offer professional development training opportunities for staff members on issues relating to military students.
- Reserve at least five percent of controlled open enrollment seats for military students.
- Complete at least three of the following activities to support military families:<sup>16</sup>
  - The school hosts at least one of the following annual military recognition events: Month of the Military Child, Month of the Military Family, Purple-Up! For Military Kids, Veteran’s Day, Memorial Day.
  - The district school board where the school is located, or governing board in the case of a charter or private school, issues a resolution publicizing support for military students and families.
  - The school partners with one or more military school liaison officer(s) to provide opportunities for active- duty parents to volunteer at the school.
  - The school maintains a public display recognizing service members, veterans, or military students and families.
  - The school participates in a service project that connects the school with the military community, such as adopt-a-school, sending letters or care packages to deployed troops, or Yellow Ribbon events.
  - The school offers the Junior Reserve Officers’ Training Corps (JROTC) program.

Once awarded, schools maintain their designation as a Purple Star School of Distinction for three school years.<sup>17</sup> Seventy-three schools completed all of the requirements to earn the Purple Star School of Distinction Designation from the 2023-2024 school year through the 2025-2026 school year.<sup>18</sup> One hundred and twenty-four schools completed all of requirements to earn the Purple Star School of Distinction Designation from the 2023-2024 school year through the 2025-2026 school year.<sup>19</sup>

### ***Effect of Proposed Changes***

The bill creates s.1003.052, F.S., to require the Department of Education (DOE) to establish the Purple Star School District program. The program requires that a participating school district:

- Have at least 75 percent of the schools in the school district designated as a Purple Star School of Distinction.
- Maintain a web page on the school district’s web site 105 which includes resources for military students and their families and provides a link to each Purple Star School of Distinction’s military web page.

The bill authorizes the DOE to establish additional criteria to identify school districts that demonstrate a commitment to or provide critical coordination of services for military-connected

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<sup>16</sup> Rule 6A-1.0999, F.A.C.

<sup>17</sup> *Id.*

<sup>18</sup> Florida Department of Education, *Purple Star School of Distinction Designation*, <https://www.fldoe.org/schools/family-community/activities-programs/parental-involvement/purple-star.html>, (last visited Jan. 26, 2024).

<sup>19</sup> *Id.*

families, such as establishing a council consisting of a representative from each Purple Star School of Distinction in the school district and one school district-level representative to ensure alignment of military student-focused policies and procedures within the school district.

## **Dropout Prevention and Academic Intervention**

### *Present Situation*

#### Dropout Prevention and Academic Intervention

Dropout prevention and academic intervention programs can differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.<sup>20</sup> Students in grades 1-12 are eligible for dropout prevention and academic intervention programs. Eligible students are reported in the appropriate basic cost factor in the Florida Education Finance Program. The strategies and supports provided to eligible students are funded through the General Appropriations Act (GAA) and may include, but are not limited to, those services identified on the student's academic intervention plan.<sup>21</sup>

District school boards are required to establish course standards for dropout prevention and academic intervention programs and procedures for ensuring that teachers assigned to the programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of these students.<sup>22</sup>

District school board's receiving state funding for dropout prevention and academic intervention programs through the GAA are required to submit information through an annual report to the Department of Education's (DOE) database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate. The DOE compiles the information into an annual report which is submitted to the presiding officers of the Legislature by February 15.<sup>23</sup>

A student is identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:<sup>24</sup>

- The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district achievement levels in reading, mathematics, or writing.
- The student has a pattern of excessive absenteeism or has been identified as a habitual truant.
- The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

<sup>20</sup> Section 1003.53, (1)(a), F.S.

<sup>21</sup> Section 1003.53, (1)(b), F.S.

<sup>22</sup> Section 1003.53, (4), F.S. See also Rule 6A-6.0521, F.A.C.

<sup>23</sup> 1003.53, (3), F.S.

<sup>24</sup> Section 1003.53, (1)(b), F.S.

- Interferes with the student’s own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or
- Severely threatens the general welfare of students or others with whom the student comes into contact.

The school principal or his or her designee is required, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student’s parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice.<sup>25</sup>

### Second Chance Schools

“Second chance schools” are district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.<sup>26</sup>

A student enrolled in a grade 6 to grade 10 class may be assigned to a second chance school if the student meets the following criteria:<sup>27</sup>

- The student is a habitual truant.
- The student’s excessive absences have detrimentally affected the student’s academic progress and the student may have unique needs that a traditional school setting may not meet.
- The student’s high incidences of truancy have been directly linked to a lack of motivation.
- The student has been identified as at risk of dropping out of school.

Students must be evaluated by the district school board’s child study team before placement in a second chance school. The study team must ensure that students are not eligible for placement in a program for emotionally disturbed children.<sup>28</sup> Students who exhibit academic and social progress and who wish to return to a traditional school are required to complete a character development and law education program and demonstrate preparedness to reenter the regular school setting prior to reentering a traditional school.<sup>29</sup>

### ***Effect of Proposed Changes***

The bill amends s. 1003.53, F.S., to authorize school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program. The bill deletes the requirement that

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<sup>25</sup> Section 1003.53(5), F.S.

<sup>26</sup> 1003.53, (1)(d)1., F.S.

<sup>27</sup> 1003.53, (1)(d)3., F.S.

<sup>28</sup> Section 1003.53,(1)(d)7., F.S.

<sup>29</sup> Section 1003.53,(1)(d)8., F.S.

school principals are required to notify parents by certified mail, prior to placing a student in a dropout prevention and academic intervention program. The bill requires principals to make reasonable efforts to notify the parent or guardian, prior to placing a student in a dropout prevention and academic intervention program, by telephone or email, which must be documented. The bill also removes the authority of school districts to offer second chance schools.

The bill prohibits school districts from identifying students as eligible to receive services funded through the dropout prevention and academic intervention program based solely on a student having a disability. The bill requires that for each student enrolled in a dropout prevention and academic intervention program or school, an academic intervention plan must be developed to address eligibility for placement in the program, individualized student goals, and progress monitoring procedures. The academic intervention plan for exceptional student education students must be consistent with the student's individual education plan.

The bill modifies the requirement that district school boards submit specified dropout prevention and academic intervention program effectiveness information through an annual report to the Department of Education's (DOE) database, to require reporting from districts that offer such programs rather than only those receiving state funds.

The bill requires that educators teaching at dropout prevention and academic intervention programs are certified under the law and rules of the State Board of Education.

## **Instructional Materials**

### ***Present Situation***

#### Instructional Materials

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process through evaluation of materials submitted by publishers and manufacturers.<sup>30</sup> Expert reviewers chosen by the DOE must objectively evaluate materials based on alignment to Florida's state-adopted standards, accuracy, and appropriateness for age and grade level.<sup>31</sup> Based on reviewer recommendations of materials that are "suitable, usable, and desirable," the Commissioner of Education (commissioner) then selects and adopts instructional materials for each grade and subject under consideration.<sup>32</sup> Currently, there is not a required timeline for DOE to adopt or publish a list of adopted instructional materials, often leading to the overlapping of the state-level adoption and district-level adoption of instructional materials. The DOE must provide training to instructional materials reviewers on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.<sup>33</sup>

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<sup>30</sup> Section 1006.34(1), F.S.

<sup>31</sup> Section 1006.31, F.S.

<sup>32</sup> Section 1006.34(2)(a), F.S. Generally, the commissioner adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision. Section 1006.36(1), F.S.

<sup>33</sup> Section 1006.29(5), F.S.

Instructional materials publishers and manufacturers, as a part of both state and local approval processes, must electronically deliver to the DOE fully developed sample copies of all instructional materials to support the materials bids.<sup>34</sup>

### Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.<sup>35</sup> 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.<sup>36</sup>

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:<sup>37</sup>

- Initial Teacher Preparation programs in public and private colleges and universities requiring candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.<sup>38</sup>
- Educator Preparation Institutes (EPIs) offering alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence.
- District professional development certification and education competency programs. Such programs are 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.<sup>39</sup> In addition to completing the district program, candidates must demonstrate mastery of general knowledge<sup>40</sup> and subject area knowledge.<sup>41</sup>

<sup>34</sup> Section 1006.38(2), F.S.

<sup>35</sup> Section 1004.04(1)(b), F.S.

<sup>36</sup> See Florida Department of Education (DOE), *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Jan 17, 2024). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

<sup>37</sup> Florida DOE, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Jan. 17, 2024). See also rule 6A-5.066, F.A.C.

<sup>38</sup> Rule 6A-5.066(1)(r), F.A.C.

<sup>39</sup> Section 1012.56(8)(a), F.S. There are 77 such programs in Florida. Florida Department of Education. *State-Approved Educator Preparation Programs, Approved Add-on Programs*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited Jan. 18, 2024).

<sup>40</sup> See Florida DOE, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited Jan. 17, 2024).

<sup>41</sup> Florida DOE, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.shtml> (last visited Jan. 17, 2024).

There are 57 initial teacher preparation programs in Florida, at 10 state universities, 19 Florida College System institutions, and 28 private colleges and universities.<sup>42</sup>

### *Effect of Proposed Changes*

The bill amends section 1006.38, F.S., to require instructional materials publishers and manufactures to make available, electronically and freely, sample copies of instructional materials found on the Commissioner of Education’s adopted list for each adoption cycle. The materials are used for online use by institutions and programs that prepare candidates for teacher preparation in teacher preparation programs, so that candidates can practice teaching with currently adopted instructional materials aligned to state academic standards.

## **School Improvement**

### *Present Situation*

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.<sup>43</sup> Intervention and support is required for traditional public schools earning a letter grade of “D,” or “F.”<sup>44</sup> Upon receipt of its first grade of “D,” a school is considered a Tier I SI school in need of support and intervention from the school district.<sup>45</sup> Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of “D” or a grade of “F.”<sup>46</sup>

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district-managed turnaround plan through which the school district manages the two-year turnaround plan at the school.<sup>47</sup> The school district is required to submit:

- By September 1, the memorandum of understanding negotiated with the school district teacher union under an educational emergency.<sup>48</sup>
- By October 1, district-managed turnaround plan to the State Board of Education for approval.<sup>49</sup>

The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and a

<sup>42</sup> Florida Department of Education. *State-Approved Educator Preparation Programs, Colleges/Universities*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited Jan. 18, 2024).

<sup>43</sup> Section 1008.33(2)(b) and (4), F.S.; *see* rule 6A-1.099811, F.A.C. School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>44</sup> Section 1008.33(3)(b), F.S.

<sup>45</sup> Rule 6A-1.099811(3)(a), F.A.C.

<sup>46</sup> Section 1008.33(4)(a), F.S.

<sup>47</sup> Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

<sup>48</sup> Section 1001.42 (21), F.S. To free schools with a school grade of “D” or “F” from contract restrictions that limit the school’s ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address the selection, placement, compensation, and expectations of instructional personnel and provide principals with autonomy.

<sup>49</sup> Section 1008.33(4)(a), F.S.

summer program for State Board of Education (SBE) approval. A school district is not required to wait until a school earns a second consecutive grade of “D” to submit a turnaround plan for approval by the SBE.<sup>50</sup>

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school’s grade does not improve to a “C” or higher after the second year, the school must select from the following turnaround options:<sup>51</sup>

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.<sup>52</sup>

In the 2023-24 school year, there were 31 schools implementing a district-managed turnaround plan, one school implementing the charter school turnaround option, and one school implementing the external operator school turnaround option.<sup>53</sup>

### ***Effect of Proposed Changes***

The bill amends section 1008.33, F.S., to change several provisions related to the school improvement process and school turnaround options.

The bill requires that a school that has received an initial grade of “F” or a second consecutive grade of “D” must provide the Department of Education (DOE) the district-managed turnaround plan and memorandum of understanding to the DOE by August, instead of the current dates of October 1 and September 1, respectively. The bill requires that the plan must include measureable academic benchmarks that put the school on a path to earning and maintaining a grade of “C” or higher.

The bill requires that if a school district chooses to close the school and reopen the school as one or more charter schools as part of its turnaround process, the school district must continue to operate the school for the following school year and no later than October 1, execute a charter school turnaround contract. Which allows the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The bill requires that the school district may not reduce or remove resources from the school during this time. The bill requires charter schools to:

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<sup>50</sup> Section 1008.33(4)(a), F.S.

<sup>51</sup> Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C

<sup>52</sup> Section 1008.33(4)(a), F.S.

<sup>53</sup> Email, Florida Department of Education (Dec. 12, 2023).

- Provide enrollment preference to students currently attending or who would have otherwise attended or been zoned for the school. The school district is required to consult and negotiate with the charter school every 3 years to determine whether realignment of the attendance zone is appropriate to ensure that students residing closest to the school are provided with an enrollment preference.
- Serve the existing grade levels served by the school at its current enrollment or higher but may, at its discretion, serve additional grade levels.

The bill requires that the school district may not withhold an administrative fee from the charter school for administrative and educational services specified in law. The school district also may not charge a rental or leasing fee for the existing facility or for the property normally inventoried to the school. The school and school district must agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to all other school facilities in the district. Finally, the bill requires the SBE to adopt a standard charter school turnaround contract, standard facility lease, and mutual management agreement.

## **Education Practices Commission**

### ***Present Situation***

The Department of Education's (DOE's) Office of Professional Practices Services (OPPS) investigates misconduct by educators who hold a Florida Educator Certificate or a valid application for a Florida Educator Certificate. The OPPS investigates when there are ultimate facts to support the educator has broken the law or violated the Principles of Professional Conduct.<sup>54</sup> These laws and rules outline the standards of conduct expected of certified educators in Florida.<sup>55</sup>

Penalties against an educator's certificate are not issued by the Commissioner of Education (commissioner) or the DOE; penalties are issued by the Education Practices Commission (commission). The commission is a quasi-judicial body of peers, law enforcement, and lay persons set forth in statute<sup>56</sup> that determines what penalty is issued in each case.<sup>57</sup>

Currently, the commission must employ an executive director by a vote of three-fourths of the membership who is exempt from career service and may be dismissed by a majority vote of the membership. The commission is assigned to the DOE for administrative purposes and, in the performance of its powers and duties, must not be subject to control, supervision, or direction by the DOE.<sup>58</sup>

The commission has the authority to make expenditures necessary to carry out its duties and responsibilities, including for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment,

<sup>54</sup> Rule 6A-10.081, F.A.C. contains the Principles of Professional Conduct for the Education Profession in Florida.

<sup>55</sup> DOE, *Role of Professional Practices Services*, <https://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (lasted visited Jan. 21, 2024).

<sup>56</sup> Section 1012.79, F.S.

<sup>57</sup> DOE, *Role of Professional Practices Services*, <https://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (lasted visited Jan. 21, 2024).

<sup>58</sup> Section 1012.79(5)-(6)(a), F.S.

and supplies; and for printing and binding. The expenditures of the commission are subject to the powers and duties of the Department of Financial Services.<sup>59</sup>

***Effect of Proposed Changes***

The bill amends section 1012.79, F.S., to authorize the commissioner to appoint and remove the executive director of the Education Practices Commission (commission). The bill also requires the commission to be assigned to the Department of Education for fiscal accountability purposes and that the commission may make expenditures on legal services.

The bill takes effect July 1, 2024.

**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.

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<sup>59</sup> Sections 17.03 and 1012.79(9), F.S.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.45, 1003.53, 1006.38, 1008.33, 1012.79, 1002.33, 1002.332, 1002.333, 1008.34, and 1011.62.

This bill creates section 1003.052 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.