

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 166

INTRODUCER: Senator Simon

SUBJECT: Administrative Efficiency in Public Schools

DATE: March 26, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick, Jahnke, Palazesi, Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	<u>Brick, Jahnke, Palazesi, Sabitsch</u>	<u>Siples</u>	<u>FP</u>	Pre-meeting

I. Summary:

SB 166 streamlines administrative processes for school districts by reducing regulations, increasing flexibility in policymaking, and enhancing financial and facilities management. Relating to:

- Assessment and accountability, the bill:
 - Expands the assessments that satisfy requirements for fourth grade progression.
 - Provides that students will not be required to pass Algebra 1 and grade 10 English Language Arts (ELA) assessments to earn a standard high school diploma, and requires that the grade 10 ELA assessment constitute 30 percent of the final course grade.
 - Eliminates certain school district requirements relating to the uniform assessment calendar, but requires the calendar to indicate state and district assessments.
 - Authorizes district school superintendents to establish deadlines for extraordinary exemptions from certain assessments.
 - Specifies that the value-added model (VAM) may not be the sole determinate in recruiting instructional personnel.
 - Requires State Board of Education (SBE) rule to provide a timeline for approving school turnaround plans and for the release of Title I funding.
- Instructional personnel, the bill:
 - Authorizes district school boards to determine personnel evaluation components, but requires at least half of the evaluation be based on student performance.
 - Expands eligibility requirements for the teacher apprenticeship program.
 - Removes an employment provision for a teacher to receive a CAPE bonus.
 - Clarifies options for an advanced degree that may be used for salary adjustments.
 - Specifies that collective bargaining may not preclude a district from providing salary supplements based on statewide or district teacher needs.
 - Creates a three-year instructional multi-year contract.

- Establishes a 10-year renewable professional certificate.
- Authorizes school districts or regional consortia to issue temporary educator certificates.
- Limits the requirement for demonstration of general knowledge to classroom teachers.
- School district operations, the bill:
 - Exempts school boards from Administrative Procedures Act rulemaking requirements, but maintains requirements for public input and transparency.
 - Allows school boards to shorten the timeline to address student absenteeism.
 - Eliminates an obsolete requirement for districts exceeding class size limits to submit a compliance plan to the Department of Education (DOE) to mitigate a financial penalty.
 - Removes the requirement that certain districts employ an internal auditor, but maintains general financial audit requirements.
 - Clarifies that operator or provider requirements to protect student data do not also require certain provisions in school district contracts.
 - Authorizes district school board instructional materials purchases to follow the full five-year adoption cycle.
- School district facilities, the bill:
 - Removes prescribed 5-year, 10-year, and 20-year school facility work program mandates, but maintains requirements for district long-term facility planning.
 - Permanently eliminates cost-per-student-station limits on school construction projects.
 - Modifies the conditions for districts to employ an architect.
 - Repeals life-cycle cost analysis requirements for school construction projects.
 - Expands the use of funds for the sale of school district airspace.
- School district finance and budgets, the bill:
 - Removes the requirement for graphical representation of a district budget.
 - Expands district school board discretion in allocating Title I funding and clarifies that charter schools can access services or programs funded by Title I.
 - Expands allowable uses of the 1.5 mill discretionary capital levy proceeds to include ancillary and auxiliary facilities and additional vehicles used to transport students.
 - Requires charter schools to directly respond to expenditure questions from the DOE.
 - Expands the scope of capital outlay that district school boards are permitted to fund through the issuance of short-term debt instruments.
 - Authorizes district school boards to determine the need to make up days lost because of a bona fide emergency.
- School choice, the bill:
 - Authorizes district school boards to determine controlled open enrollment capacity and reduces the frequency from every 12 weeks to twice a year.
 - Modifies the timeline for developing an Individualized Education Program for students receiving a Family Empowerment Scholarship for Students with Unique Abilities.
- Early learning, the bill:
 - Shifts oversight of public school Voluntary Prekindergarten (VPK) programs from early learning coalitions to the school district.
 - Authorizes public VPK programs to verify attendance using existing electronic systems.
- DOE and SBE oversight, the bill:
 - Clarifies that the SBE may adopt rules only within statutory authority.
 - Requires the DOE to provide district school boards with annual guidance on statutory and rule-based requirements.

This bill does not have a fiscal impact on state revenue or expenditures. However, the bill reduces regulations and increases flexibility in policymaking which could result in a cost savings for the school districts. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2025, except as otherwise specified.

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:

Assessment and Accountability

Present Situation

Third Grade Retention

More than half of all states have a third-grade retention policy that either allows school districts or requires them to retain students based on a student's mastery of literacy.¹ Florida has long been a national leader in investments and policy ideas targeted at improving early grades literacy. Since 2002, Florida has mandated that third grade students who score at an achievement level 1 on a statewide, standardized assessment be retained unless a student meets a good cause exemption.² Students can meet a good cause exemption if one of the following criteria is met:

- Limited English proficient students who have had less than two years of instruction in an English for Speakers of Other Languages program.
- Students with disabilities whose Individual Education Plan (IEP) indicates that participation in the statewide assessment program is not appropriate.
- Students who demonstrate an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the State Board of Education.
- A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts (ELA) assessment.
- Students with disabilities who take the statewide, standardized ELA assessment and who have an IEP, or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in prekindergarten, kindergarten, grade 1, grade 2, or grade 3.
- Students who have received intensive reading intervention for two or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.³

¹ Sarah Schwartz, *3rd Grade Reading Retention: Why the Research is Complicated*, (Aug. 29, 2023), <https://www.edweek.org/teaching-learning/3rd-grade-reading-retention-why-the-research-is-complicated/2023/08> (last visited Mar. 5, 2025).

² Ch. 2002-387, Laws of Fla.

³ Section 1008.25(7), F.S.

In the 2022-2023 school year, 59,806 third grade students scored at an achievement level 1 on the final administration of the coordinated screening and progress monitoring (CSPM) assessment for grade 3 ELA (progress monitoring administration 3, or PM3).⁴ Of the 59,806 students who scored at an achievement level 1, 36,769 students were promoted to grade 4 by meeting one of the good cause exemptions.⁵ The determination of whether or not to retain the student is made solely on the basis of PM3.⁶

High School Graduation Requirements

Nearly all states have established minimum credit and course requirements to earn a standard diploma, but graduation requirements may also serve to assess specific skills and content knowledge prioritized by the state, evaluate college and career readiness, or offer multiple pathways to a diploma. At least 34 states and the District of Columbia, require students to complete specific assessments to meet a graduation requirement. Eleven states require students to pass an ELA and/or a mathematics assessment to earn a standard high school diploma.⁷

Florida's High School Graduation Requirements

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.⁸

The 24-credit option for a standard diploma includes:

- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.⁹

Students enrolled in Algebra 1, Geometry, Biology, and U.S. History must participate in the corresponding end-of-course (EOC) assessment, and it must constitute 30 percent of the final

⁴ Florida Department of Education, *2023 Florida Assessment of Student Thinking and B.E.S.T. End-of-Course Assessments, FAST English Language Arts, Grades 3-10*, <https://www.fldoe.org/accountability/assessments/k-12-student-assessment/results/2023.stml> (last visited Mar. 5, 2025).

⁵ Florida Department of Education, *Retentions and Non-Promotions, 3rd Grade Promotions: Good Cause Exemptions, 2022-23*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/3rdPromotionExemption2223.xlsx>, (last visited Mar. 5, 2025).

⁶ Section 1008.25(5), F.S.

⁷ Education Commission of the States, *50- State Comparison: High School Graduation Requirements*, <https://www.ecs.org/50-state-comparison-high-school-graduation-requirements-2023/>, (last visited Mar. 5, 2025). Of those 11 states, two allow the use of a portfolio of work in lieu of passing an assessment and two states require students to pass the assessments if they do not choose a graduation pathway.

⁸ Section 1003.4282(1), F.S.

⁹ Section 1003.4282(3), F.S.

course grade.¹⁰ Additionally, all students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma.¹¹ Students may satisfy the assessment requirement using a specified score on the SAT, ACT, Classic Learning Test, or PSAT/NMSQT. The use of concordant and comparative scores has significantly increased over the past six years, from 27.5 percent of graduates in 2018 satisfying assessment requirements using comparative and concordant scores to 42.9 percent in 2024.¹²

High School Graduation Requirements for Transfer Students and English Language Learners

Students who transfer to a Florida public high school from out of country, out of state, a private school, or a home education program and:

- The student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment to earn a standard high school diploma unless the student earned a comparative score or passed another mathematics assessment specified in law.
- The student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score.¹³

For students who enter a Florida public school in grade 11 or 12 from out of state or out of country, in order to receive a standard high school diploma students must pass the grade 10 ELA assessment, or earn a concordant score and must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score. Students who have been enrolled in an English for Speakers of Other Languages program for less than two school years and have met all requirements for the standard high school diploma except for passage the grade 10 ELA assessment may meet the requirement by satisfactorily demonstrating grade-level expectations on formative assessments.¹⁴

Pre-K-12 Assessments

The Department of Education (DOE) is required to operate a statewide assessment program designed to accurately measure the core curricula content of the state educational standards.

¹⁰ Florida Department of Education, *Academic Advisement – What Students and Parents need to Know: Students entering grade 9 in 2023-24 and Thereafter*, <https://www.fldoe.org/core/fileparse.php/7764/urlt/aa flyer-2324thereafter.pdf>, (last visited Mar. 5, 2025). The statewide, standardized end-of-course assessment in civics education constitutes 30 percent of the course grade in middle grades civics education. Section 1003.4156(1), F.S.

¹¹ Section 1003.4282(3), F.S. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment. Section 1008.22(3)(b)6., F.S.

¹² Florida Department of Education, *Know Your Data Advanced Reports: High School Graduate Pathways*, https://knowyourdatafl.org/views/PK12-PathwaystoGraduation/GRADUATEPATHWAYS-MAP?showAppBanner=false&display_count=n&showVizHome=n&origin=viz_share_link&isGuestRedirectFromVizportal=y&embed=y, (last visited, Feb. 25, 2025). Florida Department of Education Emergency Orders No. 2020-EO-1 and No. 2021-EO-2 exempted students in the 2019-20 and 2020-21 graduation cohorts from the statewide standardized assessment requirements.

¹³ Section 1003.4282(6), F.S.

¹⁴ Section 1003.433, F.S.

Participation in the assessment program is mandatory for all school districts and all students attending public schools.¹⁵

The statewide, standardized CSPM system is used to measure student progress in public schools as well as in the Voluntary Prekindergarten (VPK) program to identify the educational strengths and needs of students. The CSPM system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in ELA and mathematics standards.¹⁶

Florida allows a student with a disability to receive an extraordinary exemption from an assessment if the IEP team determines that the student would be prevented from demonstrating mastery of skills measured by a statewide or alternate assessment. The IEP team may submit to the superintendent a written request for an extraordinary exemption at any time during the school year but not later than 60 days prior to the current year's assessment administration.¹⁷

By January of each year, the Commissioner of Education must publish on the DOE's website a uniform calendar that includes the assessment and reporting schedules for, at a minimum, the next two school years. The uniform calendar must be provided to school districts in an electronic format that allows each school district and public school to populate the calendar with, at minimum, the following information when reporting the district assessment schedules must include:

- Whether the assessment is a district-required assessment or a state-required assessment.
- The specific date or dates that each assessment will be administered, including administrations of the CSPM system.
- The time allotted to administer each assessment.
- Whether the assessment is a computer-based assessment or a paper-based assessment.
- The grade level or subject area associated with the assessment.
- The date that the assessment results are expected to be available to teachers and parents.
- The type of assessment, the purpose of the assessment, and the use of the assessment results.
- A glossary of assessment terminology.
- Estimates of average time for administering state-required and district-required assessments, by grade level.¹⁸

School districts are required to establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district is required to publish the testing schedules on its website using the uniform calendar and submit the schedules to the DOE by October 1 of each year; however, the DOE is not required to post the assessment calendars on its website. Each public school must publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar.¹⁹

¹⁵ Section 1008.22(3), F.S.

¹⁶ Section 1008.25, F.S.

¹⁷ Section 1008.212, F.S.

¹⁸ Section 1008.22(7), F.S.

¹⁹ *Id.*

School Improvement and Turnaround

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.²⁰ Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."²¹ 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 and the DOE.²² Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of "D" or a grade of "F."²³

The DOE requires that a school that has been identified as an SI school must meet the following educator staff requirements:

- Provide a literacy coach who has a record of effectiveness as an English Language Arts teacher or coach with a value-added model (VAM) rating of Highly Effective or Effective.
- Provide a mathematics coach who has a record of effectiveness as a mathematics teacher or coach with a VAM rating of Highly Effective or Effective.
- Staff the SI school so that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five total schools and less than the state average, if the district has five or fewer schools.²⁴

Through section 1003 of Title I, the United States Department of Education administers three grants specifically targeted to improving student performance at schools in need of improvement:

- Unified School Improvement Grant (UniSIG) grant – In the 2023-24 school year, Florida's state allocation was \$72,623,399. The UniSIG grant is allocated to school districts to serve traditional and charter Title I public schools implementing comprehensive support and improvement activities to support the schools SI plan and provide resources to raise student achievement in the lowest-performing schools.
- UniSIG Supplemental Teacher and Administrator Allocation (STAA) - In the 2023-24 school year, Florida's state allocation was \$30,000,000. The UniSIG STAA grant allocates funding for districts to recruit teachers, to schools in need of improvement, who have a rating of highly effective or effective according to VAM. Educators who teach grades K-3, ESE and ESOL certified teachers, and science teachers are often not eligible for the STAA award because they do not earn a VAM score.
- UniSIG Closing Achievement Gaps Between Subgroups and All Students (CAGSS) In the 2023-24 school year, Florida's allocation was \$98,193,480. The UniSIG CAGSS support

²⁰ Section 1008.33, 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).

²¹ Section 1008.33(3), F.S.

²² Rule 6A-1.099811(3)(a), F.A.C.

²³ Section 1008.33(4), F.S.

²⁴ Rule 6A-1.099811, F.A.C. VAM is a statistical model used for the purpose of determining an individual teacher's contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

Local Educational Agencies that are serving low-performing subgroups of students in schools implementing targeted and comprehensive support and improvement activities.²⁵

Effect of Proposed Changes

Third Grade Retention

The bill modifies s. 1008.25, F.S., to allow a score of level two or higher in English Language Arts for grade 3 on any administration of the CSPM system to be used for promotion of the student to grade 4. This would include the beginning, middle, and end-of-the year administrations (PM1, PM2, and PM3).

Florida's High School Graduation Requirements

The bill modifies ss. 1003.4282 and 1003.433 F.S., to provide that, effective upon becoming law, students are not required to pass the statewide, standardized grade 10 ELA assessment and pass the statewide, standardized Algebra I EOC assessment to earn a standard high school diploma. The bill provides that, effective upon becoming law, a student's performance on the statewide, standardized grade 10 ELA assessment constitutes 30 percent of the student's final course grade. The bill does not remove the requirement for students to take all statewide, standardize assessments or to meet the course requirements for the 24-credit diploma option.

Pre-K-12 Assessments

The bill amends s. 1008.22, F.S., to remove the requirement for school districts and schools to submit their uniform assessment calendar to the DOE. Instead, by November 1, each school district must post an assessment calendar on its website and include it in the district's parent guide. The calendar must indicate whether each assessment is state- or district-required and specify the grade bands or subject areas to which it applies. However, the bill maintains the prohibition against school districts exceeding five percent of a student's total school hours for administering:

- Statewide standardized assessments
- The coordinated screening and progress monitoring system
- District-required local assessments

The bill modifies s. 1008.212, F.S., regarding extraordinary exemptions for assessments to provide that a written request for an extraordinary exemption is subject to district-established deadlines, rather than the previous deadline of 60 days before the assessment. The bill also specifies that the first two administrations of the CSPM system or associated alternative assessments are exempt from extraordinary exemption requirements.

School Improvement and Turnaround

The bill modifies s. 1008.33, F.S., to require the DOE to adopt, in rule, a timeline for approving a district's turnaround plan and a timeline for the release of the UniSIG funding, which should not exceed 20 calendar days after the school improvement plan has been approved by the DOE. The

²⁵ Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023) (on file with Senate Committee on Education Pre-K-12).

bill also prohibits the use of VAM²⁶ as the sole determinant in recruiting instructional personnel to provide school districts with greater flexibility in staffing schools identified as in need of improvement.

The provisions about high school graduation for in-state and transfer students are effective upon becoming a law.

Instructional Personnel

Present Situation

Personnel Evaluations

Under No Child Left Behind, states were required to develop and implement educator and school leader evaluation systems. The Every Student Succeeds Act (ESSA) removed the requirement, and instead allowed states and districts to develop and implement evaluation systems.²⁷

The Department of Education (DOE) is required to approve and monitor each school district's instructional personnel and school administrator evaluation systems. Evaluation systems for instructional personnel and school administrators must:

- Be designed to support effective instruction and student learning growth, and evaluation results must be used when developing district and school-level improvement plans.
- Provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation results must be used when identifying professional development.
- Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input performance evaluations when appropriate.
- Identify those teaching fields for which special evaluation procedures and criteria are necessary.
- Differentiate among four levels of performance as follows:
 - Highly effective.
 - Effective.
 - Needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing.
 - Unsatisfactory.
- Provide for training and monitoring programs based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.²⁸

Additionally, evaluation criteria must include:

- Performance of students. —At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district. This

²⁶ VAM is a statistical model used for the purpose of determining an individual teacher's contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

²⁷ Education Commission on States, *ESSA: Quick Guides on top issues* (2016), <https://www.ecs.org/wp-content/uploads/ESSA-Quick-guides-on-top-issues.pdf>.

²⁸ Section 1012.34(2), F.S.

portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school.

- Instructional practice. —For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. based upon each of the Florida Educator Accomplished Practices (FEAP). For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the FEAP and may include specific job expectations related to student support.
- Instructional leadership. —For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the SBE.
- Other indicators of performance. —For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education (SBE) or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.²⁹

Beginning in 2011, school districts were required to use the state's learning growth model (Value-Added Model or VAM) for statewide assessment-related courses in educator evaluations; school districts could also request to use alternatives to the state growth model in educator evaluations.³⁰ In Florida, VAM is used to measure the contribution of a teacher or school to student learning growth. VAM measures the difference in each student's actual performance on a statewide assessment from that student's expected performance, which accounts for specific student and classroom factors that impact the learning process. VAM scores are produced for the teachers of the following grades and subjects:

- English Language Arts (4th–10th);
- Mathematics (4th–8th); and
- Algebra 1 (8th and 9th grades only).³¹

In 2017, the requirement that school districts had to use VAM as the component for student performance was removed and school districts were allowed to develop their own measure of student performance.³² Although VAM is not required to be used in school district evaluation systems, the DOE requires that only educators with a highly-effective or effective VAM score are eligible for the UniSIG Supplemental Teacher and Administrator Allocation.³³ The VAM requirement for eligibility, generally excludes educators who teach in grades K-3, ESE and ESOL certified teachers, and science teachers.

²⁹ Section 1012.34(3), F.S.

³⁰ Ch. 2011-011, Laws of Fla.

³¹ Florida Department of Education, *Florida's Value-Added Models (VAM) Frequently Asked Questions (2024)*, available at .

³² Ch.2017-116, Laws of Fla.

³³ Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023) (on file with Senate Committee on Pre-K-12). The UniSIG STAA grant allocates funding for districts to recruit teachers, to low-performing schools who have a rating of highly effective or effective according to VAM. Educators with a highly-effective VAM rating can receive up to \$15,000 and educators with an effective VAM rating can receive up to \$7,000.

Teacher Bonus Awards for CAPE Industry Certifications

The Florida Education Finance Program (FEFP) provides additional full-time equivalent (FTE) student membership funding for students who successfully complete career-themed courses, courses embedded with CAPE industry certifications, or CAPE Digital Tool certificates, and who earn industry certifications included on the CAPE Industry Certification Funding List. The additional FTE calculation follows a structured framework:

- CAPE Digital Tool certificates earned by elementary and middle school students generate 0.025 FTE per student.
- Industry certifications embedded in career courses receive 0.1 FTE per student, or 0.2 FTE per student if the certification has a statewide articulation agreement for college credit.
- Students completing at least three courses and earning an industry certification within a single career and technical education program generate 0.3 FTE per student.
- CAPE Acceleration Industry Certifications that articulate for 15-29 college credit hours generate 0.5 FTE per student, while certifications that articulate for 30 or more college credit hours receive 1.0 FTE per student.³⁴

There is also bonus funding for teachers who provide the instruction for students who earn one of these digital tools or industry certifications. The school district is required to distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional FTE membership:

- A bonus of \$25 per student for certifications weighted at 0.1.
- A bonus of \$50 per student for certifications weighted at 0.2.
- A bonus of \$75 per student for certifications weighted at 0.3.
- A bonus of \$100 per student for certifications weighted at 0.5 or 1.0.³⁵

Bonuses must be awarded to teachers employed by the district in the year the additional FTE membership is calculated. Bonuses are based on the CAPE industry certification weight for the year the student earns the certification.³⁶ Similar teacher bonuses for student success in Advanced Placement, Advanced International Certificate of Education, and International Baccalaureate exams do not require employment with the funds are distributed.³⁷

In the 2022-2023 school year, 133,465 students who were enrolled in a registered CAPE Academy³⁸ or in a career-themed course³⁹ earned at least one industry certification.⁴⁰

³⁴ Section 1011.62(1), F.S.

³⁵ Id.

³⁶ Id. (Flush left)

³⁷ See s. 1011.62(1)(l)-(n), F.S.

³⁸ Section 1003.493(1)(a), F.S. A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Commerce.

³⁹ Section 1003.493(1)(b), F.S. A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

⁴⁰ Florida Department of Education, *State Secondary: Career, Technical, and Adult Education 2022-2023 Summary*, available at <https://www.fldoe.org/file/9904/2223DataSecondary.pdf>, at 5 (last visited Mar. 5, 2025).

Salary Schedules and Collective Bargaining

District school boards are required to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees. Additionally, school districts are required to develop a compensation and salary schedule that includes:

- Grandfathered salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. A district school board is required to base a portion of each employee's compensation upon performance demonstrated under the districts evaluation system and must provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.
- Performance salary schedules to be used as the basis for paying all school employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule. Performance salary schedules are required to provide annual salary adjustments for instructional personnel and school administrators based upon the personnel evaluation.⁴¹

School districts are prohibited from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.⁴²

School districts engage in collective bargaining with employee unions, but certain responsibilities cannot be negotiated away. Collective bargaining agreements cannot prevent a school district from exercising its authority regarding:

- Providing incentives to effective and highly effective teachers.
- Implementing intervention and support strategies to address low student performance and improve academic outcomes and attendance.
- Implementing student discipline policies, including reviewing a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and the community related to daily school and district operations.
- Providing any required notices or copies of information related to district school board or district operations, which is readily available on the school district's website.
- The school district's calendar.⁴³

Educator Contracts

Each person employed as a member of the instructional staff in any district school system is entitled to and must receive a written contract.⁴⁴ Three types of contracts are used to employ

⁴¹ Section 1012.22(1), F.S.

⁴² Section 1012.22(1)(c), F.S.

⁴³ Section 1012.22(3), F.S.

⁴⁴ Section 1012.33(1), F.S.

instructional personnel in Florida—continuing contracts, professional service contracts, and annual contracts.

An annual contract is an employment contract for a period of no longer than one school year that a district school board may choose to award or not award without cause. As of July 1, 2011, instructional personnel may only be employed on an annual contract basis. For newly hired instructional personnel, beginning July 1, 2011, school districts are required to award a probationary contract and after successful completion of the probationary contract, the district school board may award an annual contract. An annual contract may be awarded only if the employee:

- Holds an active professional certificate or temporary certificate.
- Has been recommended by the district school superintendent for the annual contract based upon the individual's evaluation and approved by the district school board.
- Has not received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.⁴⁵

Instructional personnel hired on or after July 1, 1984, and up to July 1, 2011, were awarded professional service contracts after three years of probationary service on annual contracts. Professional service contracts were automatically renewed each year, unless the employee was charged with unsatisfactory performance based upon his or her annual performance evaluation or the employee's performance evaluations indicate chronically ineffective performance.⁴⁶

Instructional personnel hired before July 1, 1984, entered into continuing contracts upon meeting eligibility requirements. After completing three years of probationary service on annual contracts. A continuing contract entitled the employee to continued employment without the necessity of annual renewal until discontinuation of the position, resignation, dismissal, or removal from continuing contract status.⁴⁷

Nondegreed Teachers of Career Education

Each district school board is required to establish the minimal qualifications for part-time and full-time nondegreed teachers of career programs. The qualifications for such teachers must require the filing of a complete set of fingerprints for background screening and documentation of:

- A high school diploma or the equivalent.
- Completion of three years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.

⁴⁵ Section 1012.335, F.S.

⁴⁶ Section 1012.33(3), F.S.

⁴⁷ Section 231.36(3)(e), F.S. (1981). A continuing contract employee may be dismissed or returned to annual contract status for a period of three years based upon the recommendation of the district school superintendent, school principal, or a majority of the school board. Section 1012.33(4)(b), F.S.; see also s. 231.36(4), F.S. (1981).

- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students.
- Completion of an industry certification when state or national industry certifications are available and applicable.⁴⁸

Teacher Apprenticeship Program

In 2023, the legislature created the Teacher Apprenticeship Program (TAP).⁴⁹ The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required to administer the program in accordance with legislative intent regarding apprenticeship training⁵⁰ provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 2.5 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.⁵¹

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law⁵² and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.⁵³

Educator Certification

Educational personnel in public schools must possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence to demonstrate an acceptable level of professional performance.⁵⁴ For a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.⁵⁵

The SBE designates the certification subject areas, establishes competencies, and adopts rules by which educator certificates are issued by the DOE to qualified applicants.⁵⁶

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

⁴⁸ Section 1012.39(1), F.S.

⁴⁹ Ch. 2023-38, s. 6, Laws of Fla.

⁵⁰ Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.

⁵¹ Section 1012.555(2), F.S.

⁵² “Team teaching” or “co-teaching” means two or more teachers are assigned to a group of students and each teacher is responsible for all the students during the entire class period. Section 1003.03(5) (c), F.S.

⁵³ Section 1012.555(2), F.S.

⁵⁴ Section 1012.54, F.S.

⁵⁵ Sections 1012.55(1) and 1002.33(12), F.S.

⁵⁶ Section 1012.55(1), F.S.

degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.⁵⁷

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:

- General knowledge;
- Subject area knowledge; and
- Professional preparation and education competence.⁵⁸

Acceptable means of demonstrating mastery of general knowledge include:

- Achievement of passing scores on the general knowledge (GK) examination;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards (NBPTS) or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that meets certain criteria;
- Achievement of passing scores on national or international examinations with comparable verbal, writing, quantitative reasoning, and rigor as the GK exam, including but not limited to Graduate Record Examination; or
- Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.⁵⁹

A school district that employs an individual who does not achieve passing scores on any subtest of the GK examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. The requirement of mastery of general knowledge must be waived for an individual who has been provided three years of support and instruction and who has been rated effective or highly effective for each of the last three years.⁶⁰

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.⁶¹

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing

⁵⁷ Section 1012.56(2), F.S., and Rule 6A-4.003, F.A.C.

⁵⁸ Section 1012.56, F.S.

⁵⁹ Section 1012.56(3), F.S.

⁶⁰ *Id.* (flush left)

⁶¹ Section 1012.56(5), F.S. and Rule 6A-4002(4), F.A.C.

score on the corresponding professional education competency exam required by the SBE.⁶² Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional learning certification program.⁶³

For the renewal of a professional certificate, applicants must earn a minimum of six college credits or 120 inservice points or a combination thereof, which must include at least one college credit or 20 inservice points in teaching students with disabilities. All renewal credits must be earned during the validity period and prior to the expiration date of the current professional certificate.⁶⁴ In lieu of college credit or inservice points, applicants may renew a subject area specialization by passing a state board approved Florida-developed subject area examination.⁶⁵

For renewal of a professional certificate in any area of certification identified by SBE rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of two college credits or 40 inservice points in evidence-based instruction and interventions grounded in the science of reading.⁶⁶

A temporary teaching certificate is valid for five school fiscal years and is nonrenewable. The DOE is required to issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer and is required to electronically notify the applicant's employer that the temporary certificate has been issued and provide the applicant with an official statement of status of eligibility at the time the certificate is issued.⁶⁷

The DOE must issue a temporary certificate to any applicant who:

- 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 DOE at the level required for the subject area specialization in SBE rule.⁶⁸

A person issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment. Each teacher mentor selected must:

- Hold a valid professional certificate;
- Have earned at least three years of teaching experience in prekindergarten through grade 12; and

⁶² Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida, incorporated by reference* in rule 6A-4.0021, F.A.C.

⁶³ Section 1012.56(6), F.S.

⁶⁴ Section 1012.585(3), F.S. and Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <https://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited Mar. 5, 2025).

⁶⁵ Section 1012.585(3), F.S.

⁶⁶ *Id.* The evidence-based instruction and interventions grounded in the science of reading must be specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness, decoding, and implementing multisensory intervention strategies.

⁶⁷ Section 1012.56, F.S.

⁶⁸ Section 1012.56(7), F.S. As specified in law, alternative pathways for a temporary certificate are available for military service members and participants in the Teacher Apprenticeship Program.

- Have earned an effective or highly effective rating on the prior year's performance evaluation.⁶⁹

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.⁷⁰

Effect of Proposed Changes

Personnel Evaluations

The bill modifies s. 1012.34, F.S., to remove the requirement that a school district receive approval from the DOE on its personnel evaluation systems; however, school districts must still submit the personnel evaluation systems to the DOE. The bill makes changes to the required components in a school district's evaluation system by:

- Providing school districts flexibility on how to evaluate the instructional practice components for educators and instructional leadership components.
- Requiring that at least half of a performance evaluation be based upon data and indicators of student performance.

The bill also prohibits the use of VAM as the sole determinant for any incentive pay for instructional personnel or school administrators.

Teacher Bonus Awards for CAPE Industry Certifications

The bill modifies s. 1011.62, F.S., to remove the requirement that a teacher must be employed by the district at the time the additional FTE membership calculation is made to receive a CAPE industry certification bonus.

Salary Schedules and Collective Bargaining

The bill modifies s. 1012.22, F.S., to clarify that an advanced degree used for salary adjustments does not have to be solely in the individual's area of certification, instead, it allows for flexibility by permitting either a doctorate or master's degree in the certification area or any doctorate or master's degree that includes at least 18 graduate semester hours in the certification area.

The bill also specifies that collective bargaining may not preclude a district from providing salary supplements based on identified critical statewide or district needs.

Educator Contracts

The bill modifies s. 1012.335, F.S., to allow instructional personnel hired on or after July 1, 2011, to be offered, beginning July 1, 2026, an instructional multiyear contract. An instructional multi-year contract is an employment contract for a period not to exceed three years which the district school board may choose to award upon completion of a probationary contract and at

⁶⁹ Section 1012.56(7), F.S.

⁷⁰ Florida Department of Education, *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. 25, 2025).

least one annual contract. The instructional multi-year contract may only be awarded to an employee if he or she:

- Holds an active professional certificate or temporary certificate;
- Has been recommended by the district school superintendent for the instructional multi-year contract based upon the individual's evaluation under and approved by the district school board; and
- Has not received an annual performance evaluation rating of unsatisfactory or needs improvement.

The bill requires that an employee awarded an instructional multi-year contract who receives an annual performance evaluation rating of unsatisfactory or needs improvement must be returned to an annual contract in the following school year. Such evaluation rating must be included with the evaluation ratings under subsequent annual contracts for determinations of just cause.⁷¹

Nondegreed Teachers of Career Education

The bill modifies s. 1012.39, F.S., to provide flexibility from certification requirements for school boards in hiring non-degree CTE teachers by removing the 3-year experience and specified training requirements in favor of a minimum level established by the district school board.

Teacher Apprenticeship Program

The bill modifies s. 1012.555, F.S., to expand eligibility for the teacher apprenticeship program by allowing candidates who are enrolled in a postsecondary institution to be eligible for the apprenticeship program, instead of requiring the candidate to have earned an associate degree prior to being eligible. The bill also expands eligibility for the teacher apprenticeship program by authorizing individuals who are working in the district as a paraprofessional but not necessarily employed through the district, to enroll in the teacher apprenticeship program. This would allow paraprofessionals who are contracted by the district through a staffing agency to qualify as a teacher candidate.

Educator Certification

The bill modifies s. 1012.56, F.S., to specify that the requirement to demonstrate mastery of general knowledge applies only to individuals serving as classroom teachers thereby removing from the requirement instructional personnel such as librarians/media specialists, school counselors, and social workers.

⁷¹ Section 1012.33, F.S. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

The bill authorizes school districts or regional education consortia⁷² to issue temporary certificates and requires the DOE to adopt reporting requirements regarding the award of such certificates.

The bill also adds a requirement for applicants of a temporary apprenticeship certificate to complete the subject area content requirements or demonstrate mastery of subject area knowledge.

The bill modifies the renewal of educator certification requirements in s. 1012.585, F.S., by:

- Establishing an additional professional certificate with a 10-year validity period. Applicants for the 10-year professional certificate must have been awarded at least one 5-year professional certificate and must have been rated highly effective in the first four years of the 5-year validity period of his or her professional certificate.
- Specifying that applicants rated effective or highly effective for the first nine years of the 10-year validity period of his or her professional certificate are eligible to renew the 10-year professional certificate and must earn a minimum of nine college credits or 180 inservice points or a combination thereof to renew the 10-year professional certificate. The applicant must earn a minimum of five college credits or 100 inservice points or a combination thereof within the first five years of the 10-year professional certificate. An applicant who does not meet the initial or renewal requirements for a 10-year professional certificate may be awarded a 5-year professional certificate.
- Authorizing district school boards to reduce the renewal requirements for applicants on their initial 5-year professional certificate by one credit or 20 inservice hours if the applicant has been rated highly effective in at least three years of the 5-year validity period of his or her initial professional certificate.

School District Operations

Present Situation

District School Board Policymaking

District school boards derive their primary policymaking authority from the Florida Constitution, which grants them the power to operate, control, and supervise all free public schools within the district and to determine the local school tax rate.⁷³ The Administrative Procedures Act (APA) applies to district school boards only when they act pursuant to statutory authority rather than their constitutional authority.⁷⁴ Policies adopted under constitutional authority are subject to judicial review, typically in the local circuit court.⁷⁵

The Legislature also identifies the general powers of district school boards. These include, for example, the authority to:

⁷² A regional education consortium is a non-profit, educational service agency established to provide cooperative services to small and rural member districts. The regional education consortia in Florida are the North East Florida Educational Consortium, Heartland Educational Consortium, and the Panhandle Area Educational Consortium.

⁷³ FLA. CONST. art. IX, s. 4(b).

⁷⁴ See s. 120.52(1)(a) and (6), F.S. See also *Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).

⁷⁵ See *Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).

- Determine policies and programs necessary for the efficient operation and general improvement of the district school system, provided they align with state law and rule.
- Adopt rules under the APA to implement their statutory duties and supplement those established by the SBE and commissioner.
- Establish standards and policies that ensure every student has access to a comprehensive education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as outlined by state academic standards.⁷⁶

When promulgating rules under the APA, district school boards are required to notify the public:

- By publication in a newspaper in the affected area or on a publicly accessible website;
- By mail to all persons who have made requests for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and
- By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.⁷⁷

Unlike state agencies, which must adhere to the APA, local government entities—including counties, municipalities, and special districts—are not subject to APA rulemaking procedures. Instead, they must comply with Florida’s open government laws, including:

- Florida’s Sunshine Law, which requires all meetings of local government boards to be open to the public, with reasonable notice provided.⁷⁸
- Requirements for notices of public meetings to include information on how affected persons may appeal decisions made at the meeting.⁷⁹
- Requirements for public participation, which guarantee the public a reasonable opportunity to be heard before local governing bodies make decisions.⁸⁰

Charter schools are not required to follow rulemaking procedures prescribed by the APA.⁸¹

Instructional Materials Purchase and Reporting

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students. Adequate instructional materials is defined as a sufficient number of student or site licenses or set of materials that are available in bound, unbound, kit or package form and may consist of textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media and computer courseware or software that serve as the basis for instruction for each student in the core subject areas. The core subject areas are mathematics, language arts, social studies, science, reading and literature.⁸² Each district school board is required to purchase current instructional materials to provide for each student in grades K-12 with a major tool of instruction for core courses. Purchases are required to be made

⁷⁶ Section 1001.41, F.S.

⁷⁷ Section 120.81(1), F.S.

⁷⁸ Section 286.011, F.S.

⁷⁹ Section 286.0105, F.S.

⁸⁰ Section 286.0114, F.S.

⁸¹ Section 1002.33(16), F.S.

⁸² Section 1006.28, F.S.

within the first three years after the effective date of the adoption cycle for materials adopted by the state.⁸³

Each district school board or a consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instruction materials.⁸⁴ Procedures for the adoption of instructional materials by school districts or a consortium of school districts are specified in law.⁸⁵

Student Online Personal Information Protection Act

K-12 schools and district school boards rely on hundreds of technology service providers each school year for various operational and educational needs. These providers offer services such as data storage, educational games, learning management systems, attendance tracking, and other essential functions.⁸⁶ The privacy protections that each company must implement can vary based on the type and sensitivity of student data they hold and how it is collected, used, or shared. Contracting individually with each service provider to ensure this protection is often extremely difficult for both district school boards and companies.⁸⁷

The Student Online Personal Information Protection Act (SOPIPA) establishes clear restrictions on operators of websites, online services, or applications used for K-12 school purposes. Specifically, SOPIPA prohibits operators from collecting, disclosing, or selling student data, or from using it for targeted advertising. Violations of SOPIPA constitute deceptive and unfair trade practices under the Florida Deceptive and Unfair Trade Practices Act, with enforcement authority vested solely in the Department of Legal Affairs.⁸⁸

While SOPIPA directly regulates operators' handling of student data, an existing SBE rule imposes additional obligations on district school boards and charter schools. This rule requires that all contracts or agreements with third-party vendors or service providers contain additional provisions safeguarding the privacy of education records and personally identifiable student information.⁸⁹

Internal Auditor

All district school boards are required to conduct an annual financial audit of their accounts and records by an independent certified public accountant.⁹⁰ In addition, school districts receiving annual federal, state, and local funds in excess of \$500 million are required to employ an internal financial auditor.⁹¹

⁸³ Section 1006.40(3), F.S.

⁸⁴ Section 1006.283(1), F.S.

⁸⁵ Section 1006.28(2), F.S.

⁸⁶ Student Privacy Compass, *The First National Model Student Data Privacy Agreement Launches*, <https://studentprivacycompass.org/the-first-national-model-student-data-privacy-agreement-launches/> (last visited Mar. 5, 2025).

⁸⁷ *Id.*

⁸⁸ Section 1006.1494, F.S.

⁸⁹ Rule 6A-1.09550(4), F.A.C.

⁹⁰ Section 218.39, F.S.

⁹¹ Section 1001.42(12), F.S.

School Financial Report

Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable, the school's improvement rating, and the school's accountability report, including the school financial report. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.⁹²

Maximum Class Size

Each year, on or before the October student membership survey, the following class size maximum number of students assigned to each teacher who is teaching a core-curricula course⁹³ in a public school classroom may not exceed:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.⁹⁴

These class size maximums must be maintained after the October student membership survey. District school boards have the flexibility to determine whether it is warranted to assign a student enrolled after the October student membership survey to a class that will exceed the maximum size. If determined by the district school board to exceed the class size maximums after the October membership survey, the district school board is required to develop a plan to ensure that the school will be in full compliance with the maximum class size limits by the next October student membership survey. This plan is not required to be submitted to the DOE.⁹⁵

The DOE must calculate compliance with class size maximums for traditional schools, charter schools, and district-operated schools of choice using data from the October student membership survey.⁹⁶ A memorandum is sent from the DOE to notify school districts and charter schools of their class size compliance and the details of the process and timeline for appeals and submission of compliance plans.⁹⁷ In 2023, the Legislature repealed the class size reduction penalty calculation for schools exceeding the class size limits.⁹⁸ The certified compliance plan school districts and charter schools found out of compliance are required to submit to the DOE are used to reduce their class size reduction penalty.⁹⁹

Enforcement of School Attendance

Florida school districts are required to take an active role in promoting and enforcing attendance as a means of improving student performance. Each district school superintendent is responsible

⁹² Section 1002.20(16), F.S.

⁹³ Section 1003.01(5), F.S.

⁹⁴ Section 1003.03(1), F.S.

⁹⁵ Section 1003.03, F.S.

⁹⁶ Section 1003.03(2), F.S.

⁹⁷ Florida Department of Education, *Class Size Reduction Memorandums*, <https://www.fldoe.org/finance/budget/class-size/class-size-reduction-memorums.shtml> (last visited Mar. 5, 2025).

⁹⁸ Ch. 2023-104, s. 1, Laws of Fla.

⁹⁹ Florida Department of Education, *Memorandum, Reallocation and Restoration Calculations for 2022-2023 Class Size Operation Categorical Program (June 26, 2023)*, available at <https://www.fldoe.org/core/fileparse.php/7603/urlt/2022-23-Class-Size-Operating-Categorical-Reallocation-and-Restoration-Calculations.pdf> (last visited Mar. 5, 2025).

for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. Superintendents are tasked with recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, for students enrolled. The policies are required to ensure that public schools track excused and unexcused absences and contact parents in the case of any unexcused absences or if the reason for the absence is unknown, to prevent the development of patterns of nonattendance.¹⁰⁰

Each public school is required to take steps to promote and enforce regular school attendance. These steps include:

- Determining the reason for each unexcused absence or absence where the reason is unknown.
- Reporting by the student's primary teacher to the school principal or designee if a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period.
- Referring, when there is a pattern of nonattendance, the case to the school's child study team to determine if early patterns of truancy are developing.
- Meeting with parents to identify remedies.
- Implementing additional steps if the problem is not resolved including seeking criminal prosecution for non-compliance.¹⁰¹

Effect of Proposed Changes

District School Board Policymaking

The bill amends s. 120.81, F.S., to remove district school boards from the APA rulemaking requirements, aligning their rulemaking procedures with those of other similarly situated local government entities. The bill clarifies that district school boards must adopt rules with public input at a public meeting, rather than through APA rulemaking procedures.

By removing APA rulemaking requirements, the bill creates consistency in how district school boards and other local governments adopt rules. Public notice and participation requirements will remain governed by Florida's Sunshine Law and related provisions, ensuring continued public access to school board policymaking processes. Legal challenges to school board rules would likely be brought in circuit court, similar to municipal or county rule challenges.

Instructional Materials Purchase and Reporting

The bill amends s. 1006.40, F.S., to authorize the district school board to purchase instructional materials for up to five years, rather than three, within the completion of the standard 5- year adoption cycle of those materials.

¹⁰⁰ Section 1003.26, F.S.

¹⁰¹ *Id.*

Student Online Personal Information Protection Act

The bill amends s. 1006.1494, F.S., to clarify that nothing in the Student Online Personal Information Protection Act requires a K-12 school, school district, or district school board to include any additional provisions in contracts with operators or vendors.

Internal Auditor

The bill amends s. 1001.42, F.S., to remove the requirement that school districts receiving annual federal, state, and local funds in excess of \$500 million employ an internal financial auditor. The bill maintains the requirement for all school districts to have an annual financial audit conducted by an independent certified public accountant.

School Financial Report

The bill amends s. 1002.20, F.S., to remove the requirement that the school financial report be included in the student handbook or similar publication. The bill requires the DOE to produce the easy-to-read report card about the school's grade designation or improvement rating, the school's accountability report, and the school financial report and make the reports for each school available on the DOE's website in a prominent location. The bill requires each district school board to provide a link to these reports for parent access.

Maximum Class Size

The bill amends s. 1003.03, F.S., by removing the requirement that school districts exceeding the maximum class size limits submit a certified compliance plan to the DOE. The compliance plan is no longer needed as there is no longer a financial penalty for failure to comply with class size maximum limits. The bill maintains the requirement for school districts over the class size limits after the October student membership survey to develop a plan to be in full compliance with the class size limits by the following October student membership survey.

Enforcement of School Attendance

The bill amends s. 1003.26(1), F.S., to allow district school boards to adopt a period that is shorter than the current 90-calendar-day period to take action when there are 10 unexcused absences or absences that the reasons are unknown. The change may allow for or encourage earlier intervention for students who may be developing a pattern of truancy.

District School Board Facilities

Present Situation

District School Board Educational Facilities Plans

Annually, prior to the adoption of the district school budget, each district school board is required to prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. Florida law enumerates specific requirements that the district school board must evaluate at over the course of the plan, including for 5-year, 10-year, and 20-year periods.¹⁰²

¹⁰² Section 1013.35, F.S.

The plan is required to include a financially feasible district facilities work program for a 5-year period. The work program is required to include:¹⁰³

- A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.
- A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs, with detailed specifications set forth in state law.
- The projected cost for each project identified in the district facilities work program, including a schedule of cost comparisons for the planned cost of each new student station compared with the low, average, and high cost of facilities constructed throughout the state.
- A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.
- A schedule indicating which projects included in the district facilities work program will be funded from current revenues.
- A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded with currently approved revenue sources.
- The number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year.¹⁰⁴
- Prototype construction and design to be used for the construction of two or more new schools for students in the same grade group and program, such as elementary, middle, or high school.¹⁰⁵

To the extent available, the tentative district educational facilities plan is required to be based on information produced by the state demographic, revenue, and education estimating conferences. Not less than once every five years, the district school board must have an audit conducted of the board's educational planning and construction activities. An operational audit conducted by the Auditor General satisfies this requirement.¹⁰⁶

Annually, the district school board is required to consider and adopt the tentative district educational facilities plan. The adopted district educational facilities plan must:

- Be a complete, balanced, and financially feasible capital outlay financial plan for the district.
- Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.¹⁰⁷

¹⁰³ Section 1013.35(2), F.S.

¹⁰⁴ Section 1002.33(18), F.S.

¹⁰⁵ Section 1013.45(4), F.S.

¹⁰⁶ Section 1013.35(2), F.S.

¹⁰⁷ Section 1013.35(4), F.S.

Charter schools share in district school board capital outlay funding but are not subject to any of the facilities plan requirements.¹⁰⁸

Cost Per Student Station Limitation

In Florida, construction costs for traditional K-12 public school facilities are reported based on the cost per student station.¹⁰⁹ In 2005, the DOE conducted a study on overall inflation of school construction costs, including the Consumer Price Index (CPI) and other factors. The cost per student station levels adopted in 2006 were based on the DOE's study recommendations and is adjusted to reflect increases and decreases in the CPI.¹¹⁰ The DOE and the Office of Economic and Demographic Research (EDR)¹¹¹ are required to work together to calculate and disseminate new statutory caps.¹¹²

The forecast by EDR for the July 2025 cost per student station limits are:

- \$29,103 for an elementary school.
- \$31,428 for a middle school.
- \$40,823 for a high school.¹¹³

Except for certain educational facilities and sites subject to a lease-purchase agreement that may be paid for by a district school board levy,¹¹⁴ or funded solely through local impact fees, a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station that exceeds these amounts. The cost per student station includes, for example, contract costs, fees of architects and engineers, and the cost of furniture and equipment. The cost per student station does not include the cost of purchasing or leasing the site for the construction, legal and administrative costs, the cost of related site or offsite improvements, and costs for school safety and hardening items and other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.¹¹⁵

An unfinished construction project for new construction of educational plant space started on or before July 1, 2028, is exempt from the total cost per student station requirements.¹¹⁶

¹⁰⁸ Sections 1002.33 and 1013.62, F.S.

¹⁰⁹ Section 1013.64(6), F.S.

¹¹⁰ Office of Economic and Demographic Research, *Review of Florida's Cost Per Student Station* (January 2017), available at <http://edr.state.fl.us/content/special-research-projects/education/CostPerStudentStation.pdf>, at 6 (last visited Mar. 5, 2025).

¹¹¹ The Office of Economic and Demographic Research is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited Mar. 5, 2025).

¹¹² Section 1013.64(6), F.S.

¹¹³ Office of Economic and Demographic Research, *Student Station Cost Factors* (February 2025), available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf> (last visited Mar. 5, 2025).

¹¹⁴ Section 1011.71(2), F.S., sets forth the guidelines for authorized district school board lease-purchase agreements.

¹¹⁵ Section 1013.64(6), F.S. Such safety improvements include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, or bullet-proof glass.

¹¹⁶ *Id.*

Educational Facilities Contracting and Construction Techniques

The State Requirements for Educational Facilities (SREF) is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants.¹¹⁷ District school boards must adhere to the SREF when planning and constructing new facilities.

Generally, SREF standards are premised on providing enhanced safety for occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.¹¹⁸ SREF requires district school boards to employ the services of an architect for all construction projects for which the construction cost is at least \$300,000.¹¹⁹

The law imposes additional requirements for the employment of an architect by district school boards. District school boards are required to use the services of a registered architect for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are not required, however, for a minor renovation project for which the construction cost is less than \$50,000 or for the placement or hookup of relocatable educational facilities.¹²⁰

District school boards are required to compare the following life-cycle costs of materials used by competing providers when constructing or expanding school capacity:

- The anticipated annual energy consumption;
- The relative resistance to damage by wind loads and associated debris;
- The resistance to wood-destroying organisms;
- The perpetual maintenance costs;
- The resistance to fire; and
- A comparison of the annual insurance costs.¹²¹

Use of Airspace for Joint-Use Development and Capital Outlay

District school boards, Florida College System institution boards, and state university boards may sell, lease, or encumber airspace for joint-use development, including nonpublic uses, with proceeds reinvested in fixed capital outlay projects. Funds may support renovations, remodeling, or new construction, though new facilities at colleges and universities require legislative approval. Any joint-use structure must comply with all applicable regulations, and educational facilities within these structures remain under their governing boards' oversight.¹²²

¹¹⁷ The State Requirements for Educational Facilities (SREF) is incorporated in Rule 6A-2.0010, F.A.C., The SREF does not apply to charter schools. Section 1002.33(18), F.S.

¹¹⁸ See, e.g., s. 1013.12, F.S. (casualty, safety, sanitation, and fire safety standards and inspection of property) and s. 1013.451, F.S. (life-cycle cost comparison).

¹¹⁹ Florida Department of Education, *State Requirements for Educational Facilities § 4.3(7)(c)* (2014), available at <https://flrules.org/Gateway/reference.asp?No=Ref-04664>, at 58.

¹²⁰ Section 1013.45(4), F.S.

¹²¹ Section 1013.451(1), F.S.

¹²² Section 1013.19, F.S.

Effect of Proposed Changes

District School Board Educational Facilities Plans

The bill amends s. 1013.35, F.S., to replace the specifically enumerated requirements for school board educational facilities plans and work programs with the general requirement that each school board adopt a facilities plan to meet the needs of the district, with public participation. The bill maintains the required 5-year audit of the board's educational planning and construction activities, and maintains the requirements for the general balanced nature of the plans, developed through public participation and local cooperation.

The bill makes corresponding changes in ss. 1002.33 and 1013.41, F.S., to reflect the removal of the requirement for district school boards to include a specific 5-year work program in the school board educational facilities plan.

These changes may bring district school boards closer to the operational flexibility of charter schools, which typically have more autonomy in facility planning and management.

Cost Per Student Station Limitation

The bill amends s. 1013.64, F.S., to make the cost per student station exemption permanent and remove cost per student station limitations on district school board construction projects. The changes in the bill provide greater local control in building durable and safe facilities for students, approaching the flexibility in construction of charter schools. The bill also provides additional options for funding construction by removing the restriction on local or certain grant revenue for facility construction. The bill makes a conforming change in s. 1013.356, F.S., to remove the cost per student station limitation for facilities projects funded by an educational facilities benefit district or community development district.

Educational Facilities Contracting and Construction Techniques

The bill amends s. 1013.45, F.S., to remove the requirement for school boards to employ an architect for the erection, enlargement, or alteration of any educational facility, or for minor renovation projects in which the cost of construction is at least \$50,000. Instead, district school boards would adhere to applicable building codes when determining architectural requirements.

The bill repeals s. 1013.451, F.S., to remove the requirement for school boards to compare specific life-cycle costs of materials used by competing providers when constructing or expanding school capacity.

Use of Airspace for Joint-Use Development and Capital Outlay

The bill amends s. 1013.19, F.S., by removing the requirement that proceeds from the sale or lease of airspace by district school boards must be used for fixed capital outlay. Removing this requirement may provide district school boards with greater flexibility in allocating these funds toward operational or capital expenses.

School District Finance and Budgets

Present Situation

Cost Accounting and Reporting for School Districts

School districts must account for all state, local, and federal funds on a school-by-school and district-aggregate basis using cost accounting and reporting guidelines specified in law. District reporting is required as prescribed in law or in a manual developed by the Department of Education (DOE).¹²³

School districts are required to provide cost reporting on a district-aggregate basis, expenditures for inservice training, and categorical funds. School districts are required to report to the DOE on a school-by-school and district-aggregate basis expenditures for:

- Funds for the operation of schools under the Florida Education Finance Program (FEFP).
- Total operational costs for administrative expenditures.
- Expenditures for classroom instruction.¹²⁴

The DOE must categorize all public schools into appropriate groups based primarily on average full-time equivalent (FTE) student enrollment as reported and to calculate for all schools, districts and the entire state the average percentage of classroom expenditures for various reporting categories of expenditures. The DOE is required to develop a web-based fiscal transparency tool that displays and identifies the financial efficiency of each public school and district. The Commissioner of Education is required to report to the Legislature prior to the open of the regular session each year a district-by-district report of expenditures.¹²⁵

Each district must expend a specified percentage of funds on programs that generated the funds. For example, a district must expend 90 percent of funds for kindergarten through grade 3, while districts must expend 95 percent of funds on juvenile justice programs.¹²⁶

School District Fiscal Transparency

District school boards are required to post on their websites a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public. The website must include a link to the web-based fiscal transparency tool developed by the DOE to enable taxpayers to evaluate the financial efficiency of the school district and compare the financial efficiency of the school district with other similarly situated school districts. The plain language version must also include graphical representations of:

- Summary of financial efficiency data.
- Fiscal trend information for the previous three years on:
 - The ratio of FTE students to FTE instructional personnel.
 - The ratio of FTE students to FTE administrative personnel.
 - The total operating expenditures per FTE student.

¹²³ Section 1010.20(1), F.S.

¹²⁴ Section 1010.20(2), F.S.

¹²⁵ *Id.*

¹²⁶ Section 1010.20(3), F.S.

- The total instructional expenditures per FTE student.
- The general administrative expenditures as a percentage of total budget.
- The rate of change in the general fund's ending fund balance not classified as restricted.¹²⁷

The district school board website should contain links to:

- Help explain or provide background information on various budget items that are required by state or federal law.
- Allow users to navigate to related sites to view supporting details.
- Enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to view the questions and responses.¹²⁸

Charter schools are exempt from these requirements.¹²⁹

Short-Term Loans for Education Capital Outlay

District school boards can create short-term obligations based on anticipated revenues without pledging district credit or requiring future tax levies. These obligations are limited to one year but may be extended annually with lender approval for up to a total of five years. These short-term obligations may be used only for the purchase of school buses, land, and equipment for educational purposes; the erection of, alteration to, or addition to educational facilities; and the adjustment of insurance on educational property on a 5-year plan, as provided by rules of the SBE. District school boards may only borrow money through this process if:

- The proposed obligation does not exceed one-fourth of the revenue received during the preceding year for the district school fund for operating expenses.
- The school board adopts and includes in its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year.
- The school board issues interest-bearing notes for the obligations that do not exceed the maximum rate for government bonds.¹³⁰

Emergency Make-up Days

The Florida Legislature established the FEFP to equalize funding for educational programs and services for all students in the K-12 public school system, regardless of geographic or local economic factors. The FEFP is the primary mechanism for funding the operating costs of Florida school districts.¹³¹

¹²⁷ Section 1011.035(2), F.S.

¹²⁸ Section 1011.035(4), F.S.

¹²⁹ Section 1002.33(16), F.S.

¹³⁰ Section 1011.14, F.S.

¹³¹ Section 1011.62, F.S.; Florida Department of Education, *2024-25 Funding for Florida School Districts*, (2024), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 4 (last visited Mar. 5, 2025).

Charter schools also receive funding through the FEFP. Students enrolled in a charter school, regardless of the sponsorship, are funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in a school district.¹³²

To receive state funding through the FEFP, district school boards are required to meet minimum requirements, including operating all schools for a term of 180 actual teaching days or the equivalent on an hourly basis each school year. The SBE may alter this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the SBE, it is not feasible to make up lost days or hours. The apportionment from the FEFP may, at the discretion of the commissioner, and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.¹³³

Equity in School-Level Funding

Title I of the Elementary and Secondary Education Act of 1965 (ESEA),¹³⁴ as amended by the Every Student Succeeds Act of 2015,¹³⁵ is a federal funding program to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.¹³⁶ For the 2022-2023 fiscal year, Florida received approximately \$1.06 billion for Title I programs.¹³⁷

Part A of Title I focuses on improving basic programs operated by local educational agencies, including district school boards and eligible charter schools within the school district.¹³⁸

District school boards must allocate Title I-A funds first to serve schools in areas with poverty rates of at least 75 percent, or 50 percent for high schools.¹³⁹ If funds remain, the school board may serve schools in rank order according to the percentage of children from low-income families in the area, but a school board may only serve schools in areas with a poverty rate of less than 35 percent if the per student allocation of state and local funds is 125 percent greater than the per student amount received under Title I-A.¹⁴⁰

¹³² Section 1002.33(17), F.S.

¹³³ Section 1011.60(2), F.S.

¹³⁴ Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).

¹³⁵ Pub. L. 114-95, 129 Stat 1802 (Dec. 10, 2015).

¹³⁶ 20 U.S.C. s. 6301.

¹³⁷ Florida Department of Education, *Finance Data Base: Fiscal Year 2023-2024*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2324.pdf>, at 8 (last visited Mar. 5, 2025).

¹³⁸ 20 U.S.C. s. 6311, et. seq. Local educational agencies are public boards of education and include district school boards. 34 C.F.R. s. 303.23. *See also* s. 1011.69(2), F.S., specifying that an eligible school includes a charter school that is eligible to receive Title I funds.

¹³⁹ 20 U.S.C. s. 6313(a)(3).

¹⁴⁰ 34 C.F.R. s. 200.78(b).

Florida law limits the threshold for identifying eligible schools to the threshold established by a district school board for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually, which was 53.8 percent¹⁴¹ in 2024.¹⁴²

Prior to the allocation of Title I funds to eligible schools, Florida law authorizes a district school board to withhold funds only as follows:

- One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;
- A necessary and reasonable amount for administration which includes the district's indirect cost rate, not to exceed a total of ten percent;
- A reasonable and necessary amount to provide:
 - Homeless programs;
 - Delinquent and neglected programs;
 - Prekindergarten programs and activities;
 - Private school equitable services; and
 - Transportation for foster care children to their school of origin or choice programs; and
- A necessary and reasonable amount, not to exceed one percent, for eligible schools to provide educational services in accordance with the approved Title I plan.¹⁴³

Title I also authorizes district school boards to provide up to five percent of the Title I-A allocation to provide financial incentives and rewards to teachers who serve in eligible schools that are identified for comprehensive support and improvement activities or targeted support and improvement activities for the purpose of attracting and retaining qualified and effective teachers.¹⁴⁴ The DOE requires all recruitment, retention, and reward incentives under the ESEA, including Title I-A and Title II,¹⁴⁵ to be based on the state value-added model or an alternative state-approved student growth model for personnel evaluations.¹⁴⁶

Under the ESEA, the state education agency must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the period of availability. Under section 412(b) of the General Education Provisions Act,¹⁴⁷ grants issued for a fiscal year may be made available for obligation on the basis of an academic or school basis.¹⁴⁸ As a result

¹⁴¹ FLHealthCharts, *Elementary School Students Eligible for Free/Reduced Lunch*, <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=NonVitalIndNoGrp.Dataviewer&cid=497> (last visited Mar. 5, 2025).

¹⁴² Section 1011.69(4), F.S.

¹⁴³ *Id.*

¹⁴⁴ 20 U.S.C. s. 6313(c)(4).

¹⁴⁵ Florida's Title II allocation was approximately \$119.8 million for the 2023-2024 fiscal year. Florida Department of Education, *Finance Data Base: Fiscal Year 2023-2024*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2324.pdf>, at 8 (last visited Mar. 5, 2025).

¹⁴⁶ Florida Department of Education, *K12 ESEA Federal Programs, 2023-24 Elementary and Secondary Education Act (ESEA) Federal Programs Application Companion Guide*, available at <https://www.floridacims.org/downloads>, at 61.

¹⁴⁷ Pub. L. No. 90-247.

¹⁴⁸ 20 U.S.C. s. 1225b.

of these requirements, many Federal programs – including the Title I, Title II,¹⁴⁹ and Title III¹⁵⁰ programs – have a total period of availability of 27 months (from July 1st of the award year to September 30th of the carryover year) and a subsequent liquidation period of 120 days (October 1st through approximately January 28).¹⁵¹ In addition, a state educational agency is required to award each subgrant for school improvement for a period of not more than four years, which may include a planning year.¹⁵²

School Board Discretionary Millage Levy

Each district school board is authorized to levy a 1.5 mill discretionary ad valorem tax against the taxable value for public school purposes to fund specific needs as identified in law, including, for example:

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities,¹⁵³ athletic facilities, or ancillary facilities.¹⁵⁴
- Purchase, lease-purchase, and lease of school buses.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.¹⁵⁵

Effect of Proposed Changes

Cost Accounting and Reporting for School Districts

The bill modifies s. 1010.20, F.S., by requiring each charter school to receive and respond to monitoring questions from the DOE. The change removes the school district as an intermediary between the DOE and the individual charter school.

School District Fiscal Transparency

The bill amends s. 1011.035, F.S., by removing the requirement that the plain language version of the school board budget posted on its website include graphical representations of the budget.

¹⁴⁹ Title II of the ESEA provides grants to state educational agencies and subgrants to local educational agencies to increase student achievement consistent with the challenging State academic standards; improve the quality and effectiveness of teachers, principals, and other school leaders; increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other school leaders. 20 U.S.C. s. 6601.

¹⁵⁰ Title III of the ESEA is the English Language Acquisition, Language Enhancement, and Academic Achievement Act. 20 U.S.C. s. 6811.

¹⁵¹ US Department of Education, *Florida Consolidated Performance Review Report FY 2023*, available at <https://oese.ed.gov/files/2023/04/FDOE-2023-Performance-Report.pdf>, at 11 (last visited Mar. 5, 2025).

¹⁵² 20 U.S.C. s. 6303(c).

¹⁵³ “Auxiliary facility” means the spaces located at educational plants which are not designed for student occupant stations. Section 1013.01(1), F.S.

¹⁵⁴ “Ancillary plant” is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program. Section 1013.01(2), F.S.

¹⁵⁵ Section 1011.71(2), F.S.

Short-Term Loans for Education Capital Outlay

The bill modifies s. 1011.14, F.S., to expand the scope of capital outlay that district school boards are permitted to fund through the issuance of short-term debt instruments.

This bill authorizes district school boards to incur obligations not only for the construction and renovation of educational facilities but also for the development and enhancement of support and supplemental structures associated with the educational process, which include the entire educational plant, ancillary plants, and auxiliary facilities.

By broadening the permissible use of anticipated revenue for these additional categories of capital projects, the bill allows for a more comprehensive development of the educational environment, acknowledging the role of various facilities in delivering a full spectrum of educational services. The district school boards would remain bound by the existing fiscal constraints—namely, the limitation of indebtedness to no more than one-fourth of the district ad valorem tax revenue for operations for the preceding year and the requirement for a detailed resolution outlining the nature and plan of repayment for the obligations.

Emergency Make-up Days

The bill modifies s. 1011.60, F.S., to remove the required threshold of infeasibility that a district school board must demonstrate to be released from making up days lost because of a bona fide emergency. This may provide more flexibility to district school boards in determining whether the additional days are necessary for students to learn the required academic standards.

Equity in School-Level Funding

The bill modifies s. 1011.69, F.S., to remove the provision that prohibits a school district from identifying any other eligible schools that exceed the poverty threshold established by a school district for the 2016-2017 school year, or the statewide percentage of economically disadvantaged students determined annually. This may afford discretion to the district school board to focus services on the schools with the highest needs.

The bill also removes the cap of one percent of Title I funds that a district may withhold to provide district educational services to Title I schools, including charter schools. This may provide flexibility for a district school board to leverage district resources to provide programs across all eligible schools, including eligible charter schools.

The bill authorizes district school boards to utilize up to five percent of its Title I allocation to provide financial incentives and rewards to teachers who serve students in Title I schools, including charter schools, identified for comprehensive support and improvement activities or targeted support and improvement activities, for the purpose of attracting and retaining qualified and effective teachers, including teachers of any subject or grade level for whom a state-approved measurement of student performance is unavailable.

The bill clarifies that the DOE must make funds from Title I, Title II, and Title III programs available to local education agencies for the full period of availability provided in federal law. This may provide stability for district school boards in the implementation of Title I services.

School Board Discretionary Millage Levy

The bill amends s. 1011.71, F.S., by expanding the allowable uses of proceeds from the district discretionary 1.5 mill levy to include facilities beyond traditional educational facilities, such as ancillary and auxiliary facilities. For example, transportation hubs, cafeterias, or administrative facilities.

The bill authorizes the use of these funds for vehicles other than school buses, as long as they are regularly used to transport prekindergarten disability program and K-12 public school students.

This may provide school districts with greater flexibility in using revenue from the discretionary 1.5 mill capital levy, allowing for more efficient student transportation options, investment in essential support facilities, and improved resource allocation to meet local needs.

School Choice

Present Situation

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational choice as a significant factor. Each school district or charter school is required to allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in the district. School districts and charter schools are required to make school capacity determinations for their schools by grade level every 12 weeks. The school capacity determinations must be made based on specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under the school district educational facilities plan.¹⁵⁶

Family Empowerment Scholarship

The Family Empowerment Scholarship (FES) program provides children of families in Florida with educational options to achieve success in their education, including children of families with limited financial resources, children of law enforcement and military families, and children with disabilities.¹⁵⁷ The FES program includes two types of scholarships to assist eligible students to pay for the tuition and fees associated with attendance at a private school or transportation to another public school (FES-EO), and to provide access to additional education options for a student with a disability by covering the cost of a variety of approved items, including: contracted services, curriculum, instructional materials, tutoring, specified education programs, and specialized services (FES-UA).¹⁵⁸

A student is eligible for an FES-UA scholarship if the student:

- Is a resident of Florida.

¹⁵⁶ Section 1002.31, F.S.

¹⁵⁷ Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.

¹⁵⁸ Section 1002.394(3), F.S.

- Is three or four years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a Florida public school.
- Has a disability as provided for in law.¹⁵⁹
- Is the subject of an Individualized Education Plane (IEP) written in accordance with rules of the State Board of Education (SBE) or with the applicable rules of another state or has received a diagnosis of a disability from a licensed physician, a licensed psychologist, or a physician with a specified out-of-state license.¹⁶⁰

A parent of a student with a disability who is applying for the FES-UA scholarship and who does not have an IEP or is seeking a reevaluation of an existing IEP may request an IEP meeting and evaluation from the school district. Upon receiving the request, the district must notify the parent that it is required to complete the IEP and matrix of services within 30 days.¹⁶¹

The school district must conduct a meeting, develop an IEP, and complete the matrix of services within this 30-day period. It is required to accept the diagnosis and consider the service plan provided by the licensed professional making the diagnosis. The matrix must assign the student to a level of service based on the criteria in place before the 2000-2001 school year.¹⁶²

For nonpublic school students without an IEP, the district may use evaluation reports and care plans from licensed professionals to complete the matrix of services.¹⁶³

In the 2023-2024 school year, over 92,000 students were funded through the FES-UA Scholarship program.¹⁶⁴

Federal Requirements for an IEP

The parent of a child or a school district may initiate a request for an initial evaluation to determine if the child is a child with a disability. Once the request is made the initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation, unless a state establishes a timeframe within which the evaluation must be conducted, within the 60 day timeframe.¹⁶⁵ In addition, the initial evaluation must consist of procedures to determine if the child has a disability and to determine the educational needs of the child. Once the initial evaluation is complete and if the child is determined to have a disability, a school district must meet within 30 days to develop an IEP.¹⁶⁶

¹⁵⁹ Section 1002.394(1), F.S.

¹⁶⁰ Section 1002.394(3), F.S.

¹⁶¹ Section 1002.394(7), F.S.

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ Step up for Students, 2025-2026 SFO Renewal Application, available at <https://www.fldoe.org/core/fileparse.php/20808/urlt/9-2.pdf>, A.A.A., 2025-2026 SFO Renewal Application, available at <https://www.fldoe.org/core/fileparse.php/20808/urlt/8-2.pdf>. (last visited Mar. 5, 2025)

¹⁶⁵ 34 C.F.R. § 300.301

¹⁶⁶ 34 C.F.R. § 300.323

Effect of Proposed Changes

Controlled Open Enrollment

The bill modifies s. 1002.32, F.S., to authorize district school boards to determine how to make capacity determinations for controlled open enrollment and reduce the required capacity determinations from every 12 weeks to twice annually.

Family Empowerment Scholarship

The bill amends s. 1002.394, F.S., to better align to 60 days the timeline for developing an Individualized Education Program (IEP) for students receiving a Family Empowerment Scholarship for Students with Unique Abilities (FES-UA) between federal requirements and the timeline used by school districts for public school students.

Early Learning

Present Situation

Since the inception of the Voluntary Prekindergarten (VPK) program, public schools have been instrumental in delivering the program. Public schools deliver both the 540 hour school year VPK program¹⁶⁷ and the 300 hour summer VPK program.¹⁶⁸ Historically, public schools comprise just over 20 percent of the overall VPK programs during the entire program year.¹⁶⁹

Public schools are required to contract through the early learning coalitions (ELCs) and are subject to the same requirements as non-public programs in terms of implementing instructional standards, personnel requirements, and program accountability. While both public schools and private providers offer the school year prekindergarten program, public school districts are required to offer the summer VPK program, consisting of 300 hours of instruction, to any parent who enrolls his or her child in the program.¹⁷⁰

In general, VPK programs in public schools are subject to the same oversight as private VPK programs, including requirements for use of the state contract, instructor to child ratios, instructor training, attendance and reporting, accountability, and methods regarding reimbursement for the VPK program. ELCs are required to monitor the compliance of public school VPK programs in their county or multi-county service region for both school year¹⁷¹ and summer¹⁷² VPK programs.

Effect of Proposed Changes

The bill modifies ss. 1002.61 and 1002.63, F.S., to remove the requirement, for both school year and summer VPK programs, that ELCs verify statutory compliance by school district-operated

¹⁶⁷ Section 1002.63(1), F.S.

¹⁶⁸ Section 1002.61(1), F.S.

¹⁶⁹ Florida Department of Education, *Division of Early Learning Annual Report 2023-2024*, available at: <https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf> (last visited Mar. 5, 2025).

¹⁷⁰ Section 1002.53(6), F.S.

¹⁷¹ Section 1002.63(9), F.S.

¹⁷² Section 1002.61(10) F.S.

VPK programs. This aligns oversight of the school district operated VPK programs with other district-operated educational programs.

The bill removes the requirement in s. 1002.71, F.S., that each district school board's attendance policy must require parents to sign monthly attendance forms and retain those forms for two years. The school district will be required to certify attendance on the single point of entry system that is used for payment of VPK program attendance. The revision offers flexibility to school districts to utilize existing attendance tracking methods without duplication due to required forms.

State Board of Education/Department of Education Oversight

Present Situation

The State Board of Education (SBE) is the chief implementing and coordinating body of public education in Florida except for the State University System, and it is required to focus on high-level policy decisions.¹⁷³ The SBE has authority to adopt rules pursuant to the Administrative Procedures Act (APA)¹⁷⁴ to implement its statutory duties to improve the state system of Early Learning-20 public education except for the State University System. The SBE is authorized to delegate its general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the Department of Education (DOE).¹⁷⁵

The APA provides uniform procedures for the exercise of specified government authority.¹⁷⁶ An agency is required to comply with the APA rulemaking procedures when developing rules.¹⁷⁷ A "rule" under the APA is defined as each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule.¹⁷⁸

The SBE is required to adopt cohesive rules pursuant to the APA, within statutory authority.¹⁷⁹ An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency is authorized to adopt a rule only because it is reasonably related to the purpose of the enabling legislation. An invalid exercise of delegated legislative authority means action that goes beyond the powers, functions, and duties delegated by the Legislature.¹⁸⁰

¹⁷³ Section 1001.02(1), F.S. The Florida Constitution provides that the state board of education is a body corporate and have such supervision of the system of free public education as is provided by law. FL. CONST. art. 9, s. 2.

¹⁷⁴ Chapter 120, F.S.

¹⁷⁵ Section 1001.02(1), F.S.

¹⁷⁶ Section 120.515, F.S.

¹⁷⁷ Section 120.54(1), F.S.

¹⁷⁸ Section 120.52(16), F.S.

¹⁷⁹ Section 1001.02(2), F.S.

¹⁸⁰ Section 120.52(8), F.S.

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.¹⁸¹ The commissioner is appointed by the SBE and serves as the executive director of the DOE.¹⁸² The DOE assists in providing professional leadership and guidance and in carrying out the policies, procedures, and duties authorized by law or by the SBE.¹⁸³

The APA also provides a process for any substantially affected person to seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances. The petition seeking a declaratory statement must state with particularity the petitioner's set of circumstances and specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.¹⁸⁴

The agency is required to give notice of the filing of each petition in the next available issue of the Florida Administrative Register and transmit copies of each petition to the Administrative Procedures Committee. The agency must issue a declaratory statement or deny the petition within 90 days after the filing of the petition and notice the statement in the next available issue of the Florida Administrative Register. Agency disposition of petitions are final agency action.¹⁸⁵

Effect of Proposed Changes

The bill amends s. 1001.02, F.S., to clarify that the SBE is authorized to adopt rules within statutory authority as specifically provided by law.

The bill expands s. 1001.23, F.S., to add to the specific powers and duties of the DOE. The additional requirements may provide clarity to district school boards in the implementation of state law. The bill requires the DOE to annually:

- By August 1, inform district school superintendents that they may receive a declaratory statement pursuant to the APA regarding the DOE's opinion as to the applicability to a school district of a statutory or rule provision as it applies to the district's particular set of circumstances.
- Maintain and make available to school districts a list of all requirements in statute and rule relating to required actions by district school boards or superintendents. The list must include but is not limited to, required parent notifications, information that must be posted to the district website, and reporting, filing, and certification requirements.

The bill is effective July 1, 2025, except as otherwise specified.

¹⁸¹ Section 1001.20(1), F.S.

¹⁸² Section 20.15(2), F.S.

¹⁸³ Section 1001.20(2), F.S.

¹⁸⁴ Section 120.565, F.S.

¹⁸⁵ Section 120.565(3), F.S. The term "Administrative Procedures Committee" means a committee designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives. Section 1.01(16), F.S.

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:

This bill does not have a fiscal impact on state revenues or expenditures. However, the bill reduces regulations and increases flexibility in policymaking which could result in a cost savings for the school districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.81, 1001.02, 1001.23, 1001.42, 1002.20, 1002.31, 1002.33, 1002.394, 1002.451, 1002.61, 1002.63, 1002.71,

1003.03, 1003.26, 1003.4282, 1003.433, 1006.1494, 1006.40, 1008.212, 1008.22, 1008.25, 1008.33, 1010.20, 1011.035, 1011.14, 1011.60, 1011.62, 1011.6202, 1011.69, 1011.71, 1012.22, 1012.335, 1012.34, 1012.39, 1012.555, 1012.56, 1012.585, 1013.19, 1013.35, 1013.41, 1013.45, 1013.62, 1013.64, 163.3180, 1002.68, 1003.631, 1004.04, 1004.85, 1012.586, and 1012.98.

This bill repeals section 1013.451 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.