

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/CS/HB 1071](#)

**TITLE:** Education

**SPONSOR(S):** Trabulsky

**Committee References**

[Student Academic Success](#)

12 Y, 5 N, As CS

[PreK-12 Budget](#)

12 Y, 3 N, As CS

[Education & Employment](#)

15 Y, 4 N, As CS

## SUMMARY

### **Effect of the Bill:**

The bill creates a comprehensive system of mathematics instruction for students in pre-kindergarten through grade 12. The bill requires instruction on human embryologic and fetal development in grades 6 through 12. The bill amends provisions relating to a parental right to exempt their child from specified health education topics. The bill prohibits specified expenditures by public K-12 educational entities and their direct-support organizations. The bill requires additional notifications to parents related to the New Worlds Reading Initiative. The bill prohibits the dismissal of charter school students under certain conditions. The bill requires the Department of Education (DOE) to review and update provisions of the State Requirements for Educational Facilities. The bill requires the DOE to identify and monitor school districts with 10 percent or more low performing schools.

The bill amends provisions of the education code relating to the following: epinephrine on school campuses; the Voluntary Prekindergarten (VPK) summer bridge program; accountability for VPK, School Readiness, and Gold Seal providers; instructional materials; professional education competency programs and educator certification requirements; school safety; regular and direct contact requirements for certain scholarship recipients; district and school advisory councils; Florida High School Athletics Association committees; developmental research school admissions; educational facilities; student attendance; individualized progress monitoring plans; reading instruction plans; virtual instruction programs; and educational emergencies.

### **Fiscal or Economic Impact:**

Potential indeterminate fiscal impact to the state and school districts. *See FISCAL OR ECONOMIC IMPACT Section.*

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill requires each school district to create a comprehensive system of [mathematics instruction](#) for students in pre-kindergarten through grade 12 and for those who exhibit a substantial deficiency in early mathematics skills to mirror the existing provisions related to reading instruction. Each school district must develop and submit to the district school board for approval, an instruction plan outlining the district's comprehensive system of mathematics instruction. The approved plan must be submitted to the school board annually by August 1 and may include:

- Additional time per day of evidence-based<sup>1</sup> intensive mathematics instruction for students in kindergarten through grade 12, which may be delivered during or outside of the regular school day.
- Highly qualified mathematics coaches to support classroom teachers in making instructional decisions based on progress monitoring data and who hold a certification in either grades 5 through 9 mathematics

<sup>1</sup> The bill defines "evidence-based" as demonstrating a statistically significant effect on improving student outcomes.

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or grades 6 through 12 mathematics and have earned the a highly effective district evaluation the 3 prior years.

- Tutoring in mathematics.

The school district instruction plan must include charter schools, unless a charter school elects to submit a plan independently from the school district. (Section [21](#)).

The bill requires that instruction on human embryologic and fetal development be included in health education for students in grades 6 through 12 as part of [required instruction](#). The bill requires that instruction in human embryologic and fetal development include a high-definition, medically accurate ultrasound video showing the development of the heart and other organs and movement of the limbs and head. The instruction must also include a high-quality, medically accurate, computer-generated rendering, animation, video, or other multimedia showing and describing the process of fertilization and various stages of human development in the uterus, noting significant markers in cell growth and organ development by week from conception until birth. A parent may opt their child out of viewing the required videos. The State Board of Education (SBE) may adopt rules to implement this instruction. (Sections [19](#)).

The bill amends provisions relating to a [parental right to exempt their child from instruction](#) related to reproductive health and disease education. The bill adds instruction in embryology and HIV/AIDS to those classes from which a student may be exempt. Additionally, the bill requires school districts to provide more direct notification to parents of these rights prior to the instruction. (Sections [4](#), [19](#), [22](#), and [33](#)).

The bill amends the requirements for [private schools participating in scholarship programs](#) as it relates to regular and direct contact with students. The bill provides [Family Empowerment Scholarship](#) students receiving the scholarship based on their disability (FES-UA) the same flexibility provided to Personal Education Program (PEP) scholarship students. Under the bill, FES-UA students can satisfy the requirement through regular and direct contact at the private schools physical location at least 2 days per week. (Section [8](#)).

The bill [prohibits expenditures](#) by public K-12 educational entities and their direct-support organizations in a similar manner to existing restrictions on public postsecondary education institutions. A public school, charter school, school district, charter school administrator, or direct-support organization may not expend funds on membership in, or goods and services from, organizations that discriminate on the basis of race, color, national origin, sex, disability, or religion. Additionally, the bill prohibits these entities from expending funds on programs that violate the Florida Educational Equity Act (FEEA) or advocate for diversity, equity, and inclusion, or promote, or engage in political or social activism, as defined by the SBE. The bill exempts expenditures for student-led organizations, activities necessary to comply with federal and state law, obtaining or retaining accreditation, or for continuing to receive state funds based on SBE rule. (Section [1](#)).

The bill removes requirements that [district and school advisory councils](#) be representative of the ethnic, racial, and economic community served by the school. Additionally, the bill amends the membership of the [Florida High School Athletic Association's](#) (FHSAA) Public Liaison Advisory Committee, replacing the requirement that the school principal be a minority with the requirement that the principal be a former high school coach or high school athlete. (Sections [3](#) and [25](#)).

The bill provides additional flexibility to those students that have experienced, or are at risk for, life-threatening allergic reactions by authorizing them to carry and self-administer [epinephrine](#) through any United States Food and Drug Administration (FDA) approved epinephrine delivery device, instead of only auto-injectors as is current law. The bill similarly amends the authorization for private schools to maintain an epinephrine supply from simply auto-injectors to any FDA-approved delivery device. (Sections [4](#) and [7](#)).

The bill expands eligibility for the [Voluntary Prekindergarten](#) (VPK) [summer bridge program](#) by including any student that scored below the 25<sup>th</sup> percentile on the final administration of the coordinated screening and progress monitoring system, instead of the 10<sup>th</sup> percentile as is current law. (Section [28](#)).

In order to provide consistency statewide, the bill amends several provisions of law relating to suspensions of [VPK providers](#) or [Gold Seal Quality Care Program](#) accrediting associations that are non-compliant with state law or are determined to be low performing. Under the bill, the suspension period is standardized to 2 years for all infractions. Currently, the law authorizes a range of suspension from 2 to 5 years which led to inconsistent application across the state. Additionally, the bill repeals outdated language relating to kindergarten readiness rates from 2020-2021 program year. (Sections [9](#), [10](#), [11](#), [12](#), [13](#), [14](#), [15](#), and [16](#)).

The bill amends the eligibility requirements for Gold Seal Quality Care providers by requiring the Department of Children and Families to determine if the provider was the primary cause of any class 1 violations associated with the provider. (Section [16](#)).

To address unintended safety concerns, the bill removes the authorization for schools to use [temporary door locks](#) during active assailant incidents. The bill clarifies that charter schools are able to satisfy the requirement to have a [safe-school officer](#) on campus through any of the four authorized methods, regardless of any local ordinance or development order. (Section [23](#) and [24](#)).

The bill authorizes the Commissioner of Education (Commissioner) to remove any non-compliant [instructional materials of a publisher](#) from the list of state-adopted instructional materials, remove the publisher from eligibility to offer instructional materials for the subject area in which the violation occurred for state adoption for a period not to exceed 5 years, or require the publisher to reimburse school district funds used to purchase non-compliant materials, if it is determined that the publisher or manufacturer violated any provision of general law relating to the content, marketing, sale, distribution, or furnishing of instructional materials. The bill requires the DOE to provide written notice identifying the alleged violation and afford the publisher at least 30 calendar days to submit a written response and any proposed corrective action, which may include revision or replacement of materials at no cost to the state or districts. Final action taken by the SBE may be appealed pursuant to the Administrative Procedures Act. An action taken by the Commissioner is in addition to, and does not limit, any other remedies available, including removal of materials and penalties. (Section [26](#)).

Similarly, to how the state oversees under performing schools through the [school improvement system](#), the bill requires the DOE to annually identify school districts in need of intervention and support. Under the bill, a school district is in need of improvement if 10 percent or more of district-operated schools earn a [school grade](#) of "D" or "F." Each school district identified by the DOE in need of improvement must annually submit a district improvement plan, approved by the district school board, in a format prescribed by the DOE. District school superintendents may be called before the SBE to provide implementation updates. The plan must include provisions to improve and monitor, at a minimum, all of the following:

- Instructional staff.
- Professional learning.
- Fiscal and staffing resources dedicated to school improvement.
- Student scheduling, attendance, and behavior.
- The use of continuous improvement and monitoring plans and processes.

Additionally, the bill requires that local progress monitoring results that are not part of the statewide progress monitoring system along with the following documentation related to schools receiving a grade of "D" or "F" be submitted to the DOE with a school district improvement plan:

- Monthly vacancy reports for instructional personnel.
- Monthly teacher absenteeism rates.
- Monthly student absenteeism rates.
- Monthly professional learning, activities, and expenditures for instructional staff.
- Monthly professional learning, activities, and expenditures for school administrators.

Finally, the bill authorizes the SBE to revoke a school district improvement plan if the school district fails to provide evidence of plan implementation or significant districtwide improvement or submit deliverables in a format prescribed by the DOE or by a timeframe established by the DOE. (Section [29](#)).

With regard to [educator certification](#), the bill adds additional requirements for school district operated [professional education competency programs](#). In addition to existing requirements, the program would be required to include an individualized plan tailored to each candidate to determine the appropriate professional learning plan, a process for monitoring candidate performance to ensure candidates are meeting program expectations and implement a remediation process for candidates not meeting program performance expectations, and the assignment of a mentor teacher that meets the statutory qualifications to each candidate participating in the program. Additionally, the bill removes one pathway to satisfy the [mastery of professional preparation and education competence](#) as outdated given recent statutory and programmatic changes at the DOE. (Section [31](#)).

The bill requires the DOE, no later than December 1, 2026, to review and revise the Size of Space and Occupant Design Criteria section of the [State Requirements for Educational Facilities](#) (SREF). (Section [32](#)).

The bill prohibits a charter school that is currently implementing a school improvement plan or a corrective action plan from dismissing a [student enrolled in the charter school](#) based on academic performance. (Section [6](#)).

The bill requires that a school's School Resource Officer be notified and provided access to the pertinent records when a [transfer student's file](#) contains verified reports of serious or recurrent behavior patterns, including any threat assessment report. (Section [17](#)).

To assist students with [attendance](#) problems, the bill authorizes school districts to address patterns of nonattendance earlier than required in law. Additionally, the bill requires school districts to annually report rates of chronic absenteeism for students in kindergarten through grade 5. The bill defines "chronic absenteeism" as a student who has been absent for at least 10 percent of school days, or the same classes required for grade promotion, when enrolled for more than 45 days. (Section [18](#) and [28](#)).

The bill requires that the [individualized progress monitoring plan](#) for students with a substantial reading deficiency include resources related to the student's eligibility for the [New Worlds Reading Initiative](#) (NWRI). The bill requires that monthly progress updates provided to the parents of such students include information about the students' eligibility for the NWRI. Additionally, the bill requires that individualized progress monitoring plans be developed within 30 days of receipt of the progress monitoring results, rather than the current 45 days. (Section [28](#)).

The bill requires district school board to include in the [district reading instruction plan](#) a description of how highly qualified reading coaches will be deployed to support classroom teachers. (Section [20](#))

The bill provides that district school boards, in response to an [educational emergency](#), may adopt salary incentives for persistently low performing schools outside of collective bargaining. (Section [2](#)).

The bill clarifies that school districts must provide parents information on and students access to all available [virtual instruction providers](#). (Section [2](#)).

The bill requires that [developmental research school's](#) admissions criteria reflect an emphasis on student merit and achievement. Admission criteria must take no regard to race, sex, creed, color, or national origin. Such schools are prohibited from using racial or sex set-asides, preferences, or quotas in their admission processes. (Section [5](#)).

The bill clarifies that the amount of [Title I funds](#) a school district may withhold for educational services may include the provision of STEM curricula, instructional materials, and related learning technologies support academic achievement in science, technology, engineering, and mathematics in Title I schools. Such funds may

only be reserved to the extent that all required reservations under federal law have been met and that such reservation does not reduce school-level allocations below the levels required under federal law. (Section [30](#)).

The effective date of the bill is July 1, 2026. (Section [34](#)).

#### **RULEMAKING:**

The bill authorizes the SBE to adopt rules to implement the required instruction on human embryologic and fetal development. The bill requires the SBE to adopt rules relating to the continued approval of school district professional education competency programs and the K-12 prohibited expenditures provision in the bill.

*Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.*

#### **FISCAL OR ECONOMIC IMPACT:**

##### **STATE GOVERNMENT:**

The following components of the bill potentially result in an indeterminate fiscal to the state:

- Shortening the length of a VPK provider's probationary period or "non-contracting" status may result in more VPK students being enrolled in the program which would impact the amount of state revenue required for the VPK program.
- Expanding eligibility for participating in the VPK summer bridge program may result in more students participating in the program which would require additional state revenue, and if such revenue was not provided, may result in a cap placed on the number of eligible VPK students who could participate.

##### **LOCAL GOVERNMENT:**

The requirement in the bill that all school districts must develop and implement a comprehensive system of mathematics instruction has an indeterminate fiscal impact to school districts.

## **RELEVANT INFORMATION**

#### **SUBJECT OVERVIEW:**

##### **Florida Educational Equity Act**

The Florida Educational Equity Act (FEEA) prohibits discrimination in any program or employment condition on the basis of race, color, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public K-20 education.

The FEEA specifies, in part, that:

- No individual may, on the basis of race, color, national origin, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.<sup>2</sup>
- The criteria for admission to a program or course may not have the effect of restricting access by persons of a particular race, color, national origin, sex, disability, religion, or marital status.<sup>3</sup>

Included in the prohibition on discrimination on the basis of race, color, national origin, or sex is subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:

<sup>2</sup> Section [1000.05\(2\)\(a\), F.S.](#)

<sup>3</sup> Section [1000.05\(2\)\(b\), F.S.](#)

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.

### **Florida College System Institution and State University System Prohibited Expenditures**

A FCS institution, state university, FCS institution direct-support organization, or state university direct-support organization may not expend any funds, regardless of source, to purchase membership in, or goods and services from, any organization that discriminates on the basis of race, color, national origin, sex, disability, or religion.<sup>4</sup>

An FCS institution, state university, FCS institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that:<sup>5</sup>

- Violate FEEA.
- Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the SBE and regulations of the Board of Governors.

The requirements for prohibited expenditures do not apply to student fees to support student-led organizations regardless of any speech or expressive activity by such organizations, but the public funds must be allocated to student-led organizations pursuant to written policies or regulations of each FCS institution or state university.<sup>6</sup> The requirements also do not apply to programs, campus activities, or functions required for compliance with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation; or for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the FCS, students from low-income families, or students with unique abilities.<sup>7</sup>

### **Required Instruction Topics**

Florida law requires that public school students in grades K-12 receive instruction on specific subjects including, among other items, historical time periods, comprehensive health education, and government.<sup>8</sup> Instructional personnel are required to teach these subjects efficiently and faithfully, using historically accurate books and materials, following prescribed courses and approved methods of instruction.<sup>9</sup> Unless otherwise specified, the law generally does not prescribe grade level, instructional hours, or instructional materials requirements for these topics. School districts are required to report, annually each summer, to the DOE on how instruction was provided

<sup>4</sup> Section [1004.06\(1\), F.S.](#)

<sup>5</sup> Section [1004.06\(2\), F.S.](#)

<sup>6</sup> *Id.* (Flush left provision at the end of the subsection).

<sup>7</sup> Section [1004.06\(3\), F.S.](#)

<sup>8</sup> Section [1003.42, F.S.](#)

<sup>9</sup> Section [1003.42\(2\), F.S.](#)

during the previous school year for certain required subjects.<sup>10</sup> Amongst several topics, school districts are required to provide comprehensive age-appropriate and developmentally appropriate kindergarten through grade 12 instruction on health education that addresses concepts of community health, consumer health, environmental health, and family life, including:

- Injury prevention and safety.
- Internet safety.
- Nutrition.
- Personal health.
- Prevention and control of disease.
- Substance use and abuse.
- Prevention of child sexual abuse, exploitation, and human trafficking.<sup>11</sup>

Current law requires students to take a one-half credit course in personal financial literacy that must include instruction in all of the following:

- Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.
- Balancing a checkbook.
- Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.
- Completing a loan application.
- Receiving an inheritance and related implications.
- Basic principles of personal insurance policies.
- Computing federal income taxes.
- Local tax assessments.
- Computing interest rates by various mechanisms.
- Simple contracts.
- Contesting an incorrect billing statement.
- Types of savings and investments.
- State and federal laws concerning finance.<sup>12</sup>

### **Parental Right to Exempt Student from Instruction**

Current law authorizes a parent to submit a written request to exempt their student from instruction related to reproductive health, or any disease, including HIV/AIDS. A student so exempt may not be penalized by reason of that exemption. Course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns. Each school district shall, on the district's website homepage, notify parents of this right and the process to request an exemption. The home page must include a link for a student's parent to access and review the instructional materials used to teach the curriculum.<sup>13</sup>

### **Epinephrine in Schools**

Students who have experienced or are at risk for life-threatening allergic reactions may carry and self-administer epinephrine auto-injectors at school, during school-sponsored activities, or while traveling to and from these activities with proper parental and physician authorization. The SBE, in collaboration with the Department of Health, must establish rules ensuring the safe use of epinephrine auto-injectors, including protections against misuse or abuse.<sup>14</sup>

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

<sup>11</sup> Section [1003.42\(2\)\(o\)1., F.S.](#)

<sup>12</sup> Section [1003.4282\(3\)\(5\), F.S.](#)

<sup>13</sup> Section [1003.42\(5\), F.S.](#) See also ss. [1002.20\(3\)\(d\)](#) and [1014.05\(1\)\(d\) and \(f\), F.S.](#)

<sup>14</sup> Section [1002.20\(3\)\(i\)1., F.S.](#)

Schools may also maintain a supply of epinephrine auto-injectors secured in a designated location, accessible to trained school personnel or authorized students. Schools must adopt a physician-developed protocol for the administration of these auto-injectors by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection during emergencies.<sup>15</sup> School districts, employees, agents, and the physician who provides the protocol are protected from liability related to injuries from administration, provided the trained personnel follow the protocol in response to a suspected anaphylactic reaction.<sup>16</sup> School personnel and volunteers involved in administering epinephrine to students during an emergency are protected from liability, provided they adhere to established guidelines and procedures.<sup>17</sup>

Schools must establish clear protocols for effectively managing allergic reactions, including procedures for administering epinephrine either by trained school personnel or by authorized students themselves. Protocols require an annual Individual Health Care Plan developed by the school nurse in collaboration with the student, parents or guardians, healthcare provider, and school personnel. This plan must include an Emergency Action Plan specifying immediate contact with emergency services (911) during an anaphylaxis event and detailing actions if the student cannot self-administer epinephrine.<sup>18</sup>

Schools are required to develop written policies, procedures, and protocols to manage health emergencies, including maintaining updated emergency information cards for each student and listing key health details and contacts. Schools must ensure emergency supplies and equipment are clearly identified and accessible, with locations and lists of staff certified in first aid and cardiopulmonary resuscitation (CPR) visibly posted in high-risk areas. Additionally, schools must have at least two staff members (excluding health room personnel) certified in first aid and CPR. The school nurse, in collaboration with school administration, assists in training staff to provide care during emergencies and ensures first aid supplies and emergency equipment are adequately stocked and maintained.<sup>19</sup>

### **Administration of Medication and Medical Services by District School Personnel**

District school personnel may assist students with the administration of prescription medication at school, provided certain conditions are met, including:<sup>20</sup>

- Providing training to designated school personnel by a registered nurse, licensed practical nurse, advanced practice registered nurse, physician, or physician assistant.
- Adopting formal policies and procedures to guide medication administration by school personnel.
- Obtaining written permission from the student's parent or guardian, clearly stating the necessity of medication administration during school hours or school-sponsored events.
- Receiving, counting, and securely storing medication in its original container, accessible only to authorized personnel.

Nonmedical district personnel may also perform specific health-related services following the successful completion of child-specific training and periodic monitoring by medical professionals.<sup>21</sup> However, nonmedical district personnel are prohibited from performing invasive medical procedures such as sterile catheterization, nasogastric tube feeding, and tracheostomy care requiring deep suctioning.<sup>22</sup>

<sup>15</sup> Section [1002.20\(3\)\(i\)2., F.S.](#)

<sup>16</sup> Section [1002.20\(3\)\(i\)3., F.S.](#)

<sup>17</sup> Section [1002.20\(3\)\(i\), F.S.](#)

<sup>18</sup> Rule 6A-6.0251, F.A.C. *See also*, Florida Health, *School Health Administrative Resource Manual*, at 24, available at, <https://www.floridahealth.gov/programs-and-services/childrens-health/school-health/SchoolHealthAdministrativeResourceManualRev20217621FINAL.pdf>.

<sup>19</sup> Rule 64F-6.004, F.A.C.

<sup>20</sup> Section [1006.062\(1\), F.S.](#)

<sup>21</sup> Section [1006.062\(4\), F.S.](#) The child-specific training can be done by a registered nurse or advanced practice registered nurse licensed under chapter 464, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459.

<sup>22</sup> Section [1006.062\(3\), F.S.](#)

District school personnel administering medication in compliance with established policies and procedures are protected from liability for civil damages, provided they act reasonably and prudently under similar circumstances.<sup>23</sup>

Schools must establish emergency procedures specifically designed for life-threatening emergencies as part of a school health services plan developed jointly with the county health department and local school health advisory committee.<sup>24</sup> District school boards and charter school governing boards are required to ensure that each school that serves students in kindergarten through grade 8 provide training to an adequate number of school personnel and contracted personnel in preventing and responding to allergic reactions, including anaphylaxis. The training must include recognizing the signs of an anaphylactic reaction and administering an FDA-approved epinephrine delivery device with a pre-measured, appropriate weight-based dose.<sup>25</sup>

### **Family Empowerment Scholarship**

The Family Empowerment Scholarship 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.<sup>26</sup> The scholarship program includes two types of scholarships: (a) one that assists eligible students to pay for the tuition and fees associated with attendance at a private school, and (b) one that provides 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).<sup>27</sup> Each scholarship has unique student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.<sup>28</sup>

### **Private School Participation in Scholarship Programs**

While each scholarship program has unique requirements for private schools, there are common criteria that each private school must meet in order to participate in any of the state's scholarship programs.<sup>29</sup> A private school may be sectarian or nonsectarian, must meet Florida's definition of a private school,<sup>30</sup> be registered with the state, and be in compliance with all the requirements of a private school.<sup>31</sup> Additionally, a private school must:<sup>32</sup>

- comply with 42 U.S.C. s. 2000d which prohibits excluding a person from participation in federally assisted programs on the grounds of race, color, or national origin;
- notify the DOE of its intent to participate in a scholarship program;
- notify the DOE of any changes in the school's name, director, mailing address, or physical location within 15 days of the change;
- provide the DOE or the SFO all required documentation for student registration and payment;
- annually complete and submit to the DOE a notarized scholarship compliance statement that includes certification that all school employees and contracted personnel with direct student contact have undergone required background screening and met the screening standards;
- demonstrate fiscal soundness in accordance with statutory requirements;
- meet applicable state and local health, safety, and welfare laws, codes, and rules;
- employ or contract with teachers that meet specified requirements;
- maintain a physical location in the state at which each student has regular and direct contact with teachers;

<sup>23</sup> Section [1006.062\(2\), F.S.](#)

<sup>24</sup> Section [1006.062\(7\), F.S.](#) and s. [381.0056\(4\), F.S.](#)

<sup>25</sup> Section [1002.20\(3\)\(q\), F.S.](#)

<sup>26</sup> Section [1002.394, F.S.](#); see also r. 6A-6.0952, F.A.C.

<sup>27</sup> Section [1002.394\(3\)\(a\) and \(3\)\(b\), F.S.](#) The John M. McKay Scholarship for Students with Disabilities Program and the Gardiner Scholarship Program were previously offered as two separate scholarships for students with disabilities before the programs were consolidated under the FES-UA. The Gardiner Scholarship was repealed effective July 1, 2021, s. 2, ch. 2021-27 L.O.F. The McKay Scholarship was repealed effective July 1, 2022, s. 3, ch. 2021-27, L.O.F.

<sup>28</sup> Section [1002.394, F.S.](#)

<sup>29</sup> See [s. 1002.421, F.S.](#)

<sup>30</sup> See [s. 1002.01\(3\), F.S.](#)

<sup>31</sup> Section [1002.421\(1\), F.S.](#)

<sup>32</sup> Section [1002.421\(1\)\(a\)-\(s\), F.S.](#); see also r. 6A-6.03315, F.A.C.

- provide to parents, either on a website or in other written form, information regarding the school's programs, services, classroom teacher qualifications, and a statement that a parentally placed private school student with a disability does not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA), as amended;
- provide the parent, at least on a quarterly basis, a written report of the student's progress;
- cooperate with a parent who wants a student to participate in Florida's statewide, standardized assessments;
- adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators; and
- not be owned or operated by a person or an entity domiciled in, owned by, or in any way controlled by a foreign country of concern or foreign principal, as identified in law.

Regular and direct contact with a teacher for a scholarship student at an eligible private school is defined as a program of instruction that provides for a minimum of 170 actual school instruction days with the required instructional hours under the direct instruction of the private school teacher at the school's approved physical location. This may include occasional off-site activities including the FES-UA transition-to-work plan under the supervision of the private school teacher.<sup>33</sup> In 2024, the Legislature amended the requirements for regular and direct contact related to students receiving a Personalized Education Program (PEP) Scholarship. For PEP scholarship recipients, regular and direct contact may be satisfied by maintaining contact with teachers at the private school's physical location at least two school days per week and the student learning plan must address the remaining instructional time.<sup>34</sup>

### **Mathematics Instruction**

Florida law requires all public school students in grades 3 through 8 to participate in the annual statewide, standardized mathematics assessment.<sup>35</sup> The law also provides that students enrolled in Algebra 1 and Geometry courses must take the associated statewide, standardized end-of-course (EOC) assessment.<sup>36</sup> A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score,<sup>37</sup> in order to earn a standard high school diploma.<sup>38</sup> A student who does not achieve a Level 3 or above on the statewide, standardized mathematics assessment or the Algebra I EOC assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.<sup>39</sup>

In 2023, the Legislature created a framework for increasing mathematics proficiency in Florida by requiring the identification of any student in kindergarten through grade 4 who exhibits a substantial deficiency in mathematics or the characteristics of dyscalculia based upon screening, diagnostic progress monitoring, or assessment data; statewide assessments; or teacher observations. Immediately following the identification of the mathematics deficiency, the student must be provided systematic and explicit mathematics instruction to address his or her specific deficiencies. Instruction must be through either daily targeted small group mathematics interventions

<sup>33</sup> Rule 6A-6.03315, F.A.C.

<sup>34</sup> Section [1002.421\(1\)\(i\), F.S.](#)

<sup>35</sup> Section [1008.22\(3\)\(a\), F.S.](#) Beginning with the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment is the statewide, standardized mathematics assessment for students in grades 3 through 8.

<sup>36</sup> Section [1008.22\(3\)\(b\), F.S.](#) An EOC assessment counts as 30 percent of a student's final course grade. Section [1008.22\(3\)\(b\)4., F.S.](#)

<sup>37</sup> Beginning with students who entered grade nine in the 2025-2026 school year or students who entered grade nine in the 2023-2024 through 2024-2025 school years and have not yet earned a comparative score, students and adults who have not yet earned their required passing score on the Algebra 1 EOC assessment may meet this testing requirement to qualify for a high school diploma by earning a comparative passing score on the Math section of the SAT, PSAT/NMSQT, PSAT 10, ACT, or the PreACT Secure, the Quantitative Reasoning section of the CLT or the CLT10, or on the statewide, standardized Geometry EOC assessment. See r. 6A-1.09422(8)(b)2., F.A.C.

<sup>38</sup> Section [1003.4282\(3\)\(b\), F.S.](#)

<sup>39</sup> Section [1008.25\(4\)\(a\), F.S.](#)

based on student need or supplemental, evidence-based mathematics interventions before or after school, or both, and delivered by a highly qualified teacher of mathematics or a trained tutor. Additionally, for students identified with a mathematic deficiency, the student's performance must be monitored and instruction be adjusted based on student needs.<sup>40</sup>

### **Florida Voluntary Prekindergarten Program**

The VPK program, implemented in 2005, is a free education program available to all four-year-old children residing in the state.<sup>41</sup> Each child who resides in Florida who attains the age of four years on or before September 1 of the school year is eligible for the VPK program during either that school year or the following school year. Parents of four-year-old children with birthdays from February 2 through September 1 may wait to enroll their child the following year when they are five.<sup>42</sup> The child remains eligible until the child is admitted to kindergarten, or unless the child has attained the age of 6 years by February 1 of any school year.<sup>43</sup> In 2024-2025, there were 153,132 children enrolled with 6,292 providers in Florida's VPK program.<sup>44</sup>

Parents of each child eligible for a VPK program in Florida may enroll their child in one of the following programs:<sup>45</sup>

- A school-year prekindergarten program delivered by an approved private prekindergarten provider.
- A school-year prekindergarten program delivered by a public school.
- A summer prekindergarten program delivered by a public school or private prekindergarten provider.
- A specialized instructional services program for children who have disabilities, if the child has been evaluated and determined as eligible and has a current individual educational plan developed by the local school board.

### **Requirements for Voluntary Prekindergarten Program Providers**

The VPK program may be offered by either a private prekindergarten provider or a public school. To offer the VPK program, a private prekindergarten provider must apply with the Early Learning Coalition (ELC) using forms prescribed by the SBE and must be a:

- licensed child care facility;
- licensed family day care home (FDCH);
- licensed large family child care home (LFCCH);
- nonpublic school exempt from licensure;
- faith-based child care provider exempt from licensure;
- child development program accredited by a national accrediting body and operating on a military installation that is certified by the United States Department of Defense; or
- private prekindergarten provider that has been issued a provisional license.<sup>46</sup>

In addition, a private prekindergarten provider must:

- be accredited by an accrediting association that is a member of either the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, the Western Association of Colleges and Schools, the North

<sup>40</sup> Section [1008.25\(6\), F.S.](#)

<sup>41</sup> Art. IX, s. 1., Fla. Const.

<sup>42</sup> Florida Department of Education, *Division of Early Learning, Annual Report 2024-2025*, available at <https://www.fl DOE.org/file/20628/2425-DEL-AnnualReport.pdf> (last visited Feb. 6, 2026).

<sup>43</sup> Section [1002.53\(2\), F.S.](#)

<sup>44</sup> Florida Department of Education, *Division of Early Learning, Annual Report 2024-2025*, available at <https://www.fl DOE.org/file/20628/2425-DEL-AnnualReport.pdf> (last visited Feb. 6, 2026).

<sup>45</sup> Section [1002.53\(3\), F.S.](#)

<sup>46</sup> Section [1002.55\(3\)\(a\) and \(h\), F.S.](#); see also r. 6M-8.300(3), F.A.C.; [s. 402.305, F.S.](#) (child care facilities licensing); [s. 402.313, F.S.](#) (family day care homes licensing); [s. 402.311, F.S.](#) (large family child care homes licensing); [s. 402.316, F.S.](#) (faith-based provider exempt from licensure); [s. 402.309, F.S.](#) (provisional license). A private prekindergarten provider may not deliver the program while holding a probation-status license. See [s. 402.310, F.S.](#)

Central Association of Colleges and Schools, the Middle States Association of Colleges and Schools, or the New England Association of Colleges and Schools; and has written accreditation standards that meet the state's licensing requirements and requires at least one onsite visit before accreditation is granted;<sup>47</sup>

- hold a current Gold Seal Quality Care designation;<sup>48</sup> or
- be licensed and demonstrate to the ELC that the provider meets the VPK program's statutory requirements.<sup>49</sup>

### **Voluntary Prekindergarten Program Provider Accountability**

If a private prekindergarten provider or public school's performance metric or designation falls below the minimum performance metric or designation, the ELC must:

- require the provider or school to submit an improvement plan to the ELC for approval and implement the plan;
- place the provider or school on probation; and
- require certain corrective actions, including the use of a DOE-approved VPK curriculum and staff development plan.<sup>50</sup>

A VPK provider placed on probation must continue to implement its improvement plan and take corrective actions until meeting the minimum performance metric or designation or else the provider's contract to deliver the VPK program must be terminated for between 2 and 5 years.<sup>51</sup> If a VPK provider remains on probation for 2 consecutive years and fails to meet the minimum performance metric or designation, or is not granted a good cause exemption by the DOE, the DOE must require the ELC or school district, as applicable, to remove the private provider or school from eligibility to deliver the VPK program and receive state funds for such program for between 2 and 5 years.<sup>52</sup>

### **Voluntary Prekindergarten Summer Bridge Program**

In 2021, the Legislature<sup>53</sup> required the DOE to implement a coordinated screening and progress monitoring system (system) to assess emergent literacy and mathematics skills for VPK through grade 3 students based on identified standards. The results obtained by the system are required to be reported to the DOE and maintained in the education data warehouse.<sup>54</sup>

The DOE procured the system that measures student progress in the VPK program and the public schools to identify the educational strengths and needs of the students.<sup>55</sup> Specifically, the system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English language arts and

<sup>47</sup> The pre-college divisions of the Southern Association of Colleges and Schools and the North Central Association of Colleges and Schools are now classified as legacy agencies of Cognia, a non-profit, non-governmental accrediting organization. Section 1002.55(3)(b)1., F.S.; *see also* National Council for Private School Accreditation, <http://www.ncpsa.org> (last visited Feb. 6, 2026); Florida Association of Academic Nonpublic Schools, <http://www.faans.org> (last visited Feb. 6, 2026); Southern Association of Colleges and Schools, <https://www.cognia.org/services/accreditation-certification> (last visited Feb. 6, 2026); Western Association of Colleges and Schools, <http://www.acswasc.org/> (last visited Feb. 6, 2026); North Central Association of Colleges and Schools, <https://www.cognia.org/services/accreditation-certification/> (last visited Feb. 6, 2026); Middle States Association of Colleges and Schools, <https://www.msacess.org> (last visited Feb. 6, 2026); New England Association of Colleges and Schools, <http://www.neasc.org/> (last visited Feb. 6, 2026).

<sup>48</sup> In 1996 the Legislature established the Gold Seal Quality Care Program to recognize facility and home-based child care providers that go beyond minimum licensing requirements and are accredited based on specified standards by qualifying accrediting entities. *See s. 402.281(1)-(2), F.S. (2020).* In 2021, the Legislature also transferred administrative responsibility of the Gold Seal Quality Care Program from the Department of Children and Families (DCF) to the DOE. Section [1002.945, F.S.](#) *See r. 6M-10.001 and 6M-10.002, F.A.C.*

<sup>49</sup> Section [1002.55\(3\)\(b\)3., F.S.](#)

<sup>50</sup> Section [1002.68\(5\)\(b\), F.S.](#) A provider or school that fails to meet the minimum change-in-ability scores established pursuant to [s. 1002.68, F.S.](#) must use a DOE-approved VPK curriculum. Section [1002.67\(2\), F.S.](#)

<sup>51</sup> Section [1002.68\(5\)\(c\), F.S.](#)

<sup>52</sup> Section [1002.68\(5\)\(d\), F.S.](#)

<sup>53</sup> Chapter 2021-10, L.O.F.

<sup>54</sup> *Id.*

<sup>55</sup> Section [1008.25\(9\)\(a\)1., F.S.](#)

mathematics standards. Assessment through the system must occur at least three times within a school year, with the first administration occurring no later than the first 30 instructional days after a student's enrollment or the start of the school year, the second administration occurring midyear, and the third administration occurring within the last 30 days of the school year pursuant to SBE rule. The SBE may adopt alternate timeframes to address nontraditional school year calendars to ensure the coordinated screening and progress monitoring program is administered a minimum of three times within a year.<sup>56</sup>

In 2024, the Legislature established the VPK summer bridge program to provide early learning literacy skills instructional support to VPK students who exhibit a substantial deficiency and score below the 10<sup>th</sup> percentile on the final administration of the system. The summer bridge program must meet requirements adopted by the DOE and must consist of 4 hours of instruction per day for a minimum of 100 total hours.<sup>57</sup>

Based on the DOE, 6,422 students were eligible for the VPK summer bridge program in most recent program year and 841 students participated.<sup>58</sup>

### **Gold Seal Quality Care Program**

The DOE administers the Gold Seal Quality Care program. In 1996,<sup>59</sup> the Florida Legislature established the Gold Seal Quality Care Program to recognize child care facilities and family day care homes that have gone above the required minimum licensing standards to become accredited by recognized agencies whose standards reflect quality in the level of care and supervision provided to children. The Gold Seal Quality Care Program is not an accreditation, but a designation with potential benefits to those that participate including, but not limited to:<sup>60</sup>

- A positive marketing tool for prospective parents.
- Tax exemptions. The Department of Revenue issues the exemption certificates for sales tax. This exemption is for certain educational materials.
- Higher reimbursement for School Readiness providers.
- Eligibility to participate in VPK.

To obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family child care home must have:<sup>61</sup>

- No Class I<sup>62</sup> violations within preceding 2 years;
- Less than 3 of the same Class II<sup>63</sup> violations within preceding 2 years;
- Less than 3 of the same Class III<sup>64</sup> violations within the preceding 2 years that were not corrected within 1 year.

### **Temporary Door Locks in K-12 Classrooms**

<sup>56</sup> Section [1008.25\(9\)\(b\)1., F.S.](#)

<sup>57</sup> Section [1008.25\(5\)\(d\), F.S.](#)

<sup>58</sup> Email, Florida Department of Education, *Data Request on HB 1071*, (Jan. 14, 2026), on file with the Student Academic Success Subcommittee.

<sup>59</sup> Section 72, ch. 96-175, L.O.F.

<sup>60</sup> DOE, DEL, *Gold Seal Quality Care Program*, <https://www.fl DOE.org/schools/early-learning/providers/gold-seal.stml> (last visited Feb. 6, 2026).

<sup>61</sup> Section [1002.945, F.S.](#)

<sup>62</sup> Class "I" violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines present an imminent danger to the clients of the provider or a substantial probability that death or serious physical or emotional harm would result therefrom. Section [408.813, F.S.](#)

<sup>63</sup> Class "II" violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines directly threaten the physical or emotional health, safety, or security of the clients, other than Class I violations. *Id.*

<sup>64</sup> Class "III" violations are those conditions or occurrences related to the operation and maintenance of a provider or to the care of clients which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of clients, other than Class I or Class II violations. *Id.*

Schools are authorized to use temporary door locks, in addition to regular permanent door locks, during active assailant incidents. Any such temporary lock must be able to be engaged or removed without opening the door; must be easily removed in a single operation from the egress side of the door without the use of a key and from the ingress side of the door with the use of a key or other credential; may be installed at any height; must otherwise comply with the Florida Fire Prevention Code; and must be integrated into the active assailant response plan.<sup>65</sup>

### **Duties of Publishers and Manufacturers Regarding K-12 Instructional Materials**

Whether operating pursuant to the state's instructional materials program or a district instructional materials program, publishers and manufacturers of instructional materials must, among other things:

- submit electronic sample copies of the instructional materials;
- submit evidence that the provided materials address the required state standards and are accessible through the district's digital classrooms plan and a variety of electronic, digital, and mobile devices;
- furnish instructional materials at a price not to exceed the lowest price offered in other states;
- automatically reduce the price of instructional materials or provide materials free of charge if provided to other states at a reduced rate or free of charge;
- keep the materials revised, free from all errors, and up-to-date; and
- disclose the authors of the instructional materials.<sup>66</sup>

In addition, publishers and manufacturers of instructional materials are prohibited from offering any emolument, money, or other valuable thing or any inducement, to any district school board official or state instructional materials reviewer to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials. Violating this prohibition is a second-degree misdemeanor and will result in a ban from practicing business in the state for 1 calendar year.<sup>67</sup>

For each adoption cycle, publishers and manufacturers of instructional materials, or their representatives, must make sample student editions of instructional materials on the Commissioner's list of state-adopted instructional materials available electronically, at a discount below publisher cost, for use by teacher preparation programs and educator preparation institutes to enable educators to practice teaching with currently adopted instructional materials aligned to the state's academic standards.<sup>68</sup>

Teacher preparation programs and educator preparation institutes that use such samples to practice teaching must provide reasonable safeguards against the unauthorized use, reproduction, and distribution of the sample copies of instructional materials. Publishers may make sample student editions of adopted instructional materials available at a discounted price to teacher preparation programs and educator preparation institutes for the instructional purpose of educators practicing with current materials.<sup>69</sup>

### **School Grades**

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>70</sup> School grades are also used to determine whether a school must select or implement a turnaround option.<sup>71</sup> The annual reports must identify schools as having one of the following grades:<sup>72</sup>

- "A" for schools making excellent progress.

<sup>65</sup> Section [1006.07\(6\)\(f\), F.S.](#)

<sup>66</sup> Sections [1006.283\(2\)\(b\)7.](#) and [1006.38, F.S.](#) With regard to the state's instructional materials program, publishers and manufacturers must maintain a depository in Florida for the in-state distribution of instructional materials to school districts from the depository or contract with a depository in the state. Section [1006.38\(11\)-\(13\), F.S.](#)

<sup>67</sup> Section [1006.32\(1\) and \(4\), F.S.](#) A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine not exceeding \$500. Sections [775.082\(4\)\(b\)](#) and [775.083\(1\)\(e\), F.S.](#)

<sup>68</sup> Section [1006.38\(3\), F.S.](#)

<sup>69</sup> Section [1006.38\(3\)\(a\)-\(b\), F.S.](#)

<sup>70</sup> Section [1008.34\(1\) and \(2\), F.S.](#)

<sup>71</sup> Section [1008.33\(4\), F.S.](#)

<sup>72</sup> Section [1008.34\(2\), F.S.](#); r. 6A-1.09981(4), F.A.C. See DOE, *2023 Informational Baseline School Grades Overview*, available at <https://www.fl DOE.org/core/fileparse.php/18534/urll/SchoolGradesOverview23.pdf>.

- “B” for schools making above average progress.
- “C” for schools making satisfactory progress.
- “D” for schools making less than satisfactory progress.
- “F” for schools failing to make adequate progress.

Each school that earns a grade of “A” or improves at least two letter grades may have greater authority over the allocation of the school’s total budget generated from the Florida Education Finance Program (FEFP), state categoricals, lottery funds, grants, and local funds.<sup>73</sup>

### **School Improvement System**

Florida’s system of improving low-performing schools is referred to as “school improvement” (SI).<sup>74</sup> Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.<sup>75</sup> Intervention and support is required for traditional public schools earning a letter grade of “D” or “F”.<sup>76</sup> Intensive intervention and support strategies must be applied through turnaround plans<sup>77</sup> to schools earning two consecutive grades of “D” or a grade of “F”.<sup>78</sup> A school district must implement a district-managed turnaround option beginning with the following first full school year after a traditional public school earns a grade of “F” or a second consecutive grade of “D”, but may submit a turnaround plan prior to earning a second consecutive grade of “D”. The SBE may allow a school an additional year of implementation before the school must implement a turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation. The SBE may also allow a school implementing a turnaround plan additional time to implement a community school model if the school has received a community school planning grant.<sup>79</sup>

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school’s grade does not improve to a “C” or higher after the additional year (its fourth consecutive grade below a “C”), or after the first full year of implementation if an additional year is not granted, the school must select from the following turnaround options:<sup>80</sup>

- reassign students to another school and monitor the progress of each student;<sup>81</sup>
- close the school and reopen as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or
- contract with an outside entity that has a demonstrated record of effectiveness to operate the school.<sup>82</sup>

Implementation of the turnaround option is no longer required if the school improves to a grade of “C” or higher, unless the school district has already executed a charter school turnaround contract.<sup>83</sup>

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<sup>73</sup> Section [1008.34\(2\), F.S.](#) (flush-left provision).

<sup>74</sup> Section [1008.33\(2\)-\(4\), F.S.](#); r. 6A-1.099811, F.A.C.

<sup>75</sup> See *id.* School improvement requirements were originally established under the 2002 reauthorization of the Elementary and Secondary Education Act (ESEA), otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

<sup>76</sup> Section [1008.33\(3\)\(b\), F.S.](#)

<sup>77</sup> Rule 6A-1.099811(2)(bb), F.A.C.

<sup>78</sup> Section [1008.33\(4\)\(a\), F.S.](#)

<sup>79</sup> *Id. See also* [s. 1003.64, F.S.](#)

<sup>80</sup> Section [1008.33\(4\)\(a\) and \(b\), F.S.](#)

<sup>81</sup> Section [1008.33\(4\)\(b\), F.S.](#)

<sup>82</sup> *Id.* The outside entity may include one or a combination of the following: an external operator, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter, or a contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of the school.

<sup>83</sup> Section [1008.33\(4\)\(c\), F.S.](#)

## **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.<sup>84</sup> 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.<sup>85</sup>

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:<sup>86</sup>

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

Acceptable means of demonstrating mastery of general knowledge include:<sup>87</sup>

- Achievement of passing scores on the general knowledge 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 FCS 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 general knowledge exam, including but not limited to Graduate Record Examination.
- 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.

A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge 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 3 years of support and instruction and who has been rated effective or highly effective for each of the last 3 years.<sup>88</sup>

The acceptable means of demonstrating mastery of subject area knowledge include:<sup>89</sup>

- 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.
- A passing score or program completion of a specified defense language proficiency test or program.

The acceptable means of demonstrating mastery of a professional preparation and education competence include:<sup>90</sup>

- Successful completion of an approved teacher preparation program at a postsecondary educational institution within the state and achievement of a passing score on the professional education competency examination required by SBE rule.

<sup>84</sup> Section [1012.54, F.S.](#)

<sup>85</sup> Sections [1012.55\(1\)](#) and [1002.33\(12\)\(f\), F.S.](#)

<sup>86</sup> Section [1012.56\(2\)\(g\)-\(i\), F.S.](#)

<sup>87</sup> Section [1012.56\(3\), F.S.](#)

<sup>88</sup> Section [1012.56\(3\), F.S.](#) (flush left provision at the end of the subsection)

<sup>89</sup> Section [1012.56\(5\), F.S.](#), and r. 6A-4.002(4), F.A.C.

<sup>90</sup> Section [1012.56\(6\), F.S.](#)

- Successful completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by SBE rule.
- Documentation of a valid professional standard teaching certificate issued by another state.
- Documentation of a valid certificate issued by the NBPTS or a national educator credentialing board approved by the SBE.
- Documentation of two semesters of successful, full-time or part-time teaching in an FCS institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program and achievement of a passing score on the professional education competency examination required by SBE rule.
- Successful completion of professional preparation courses as specified in SBE rule.
- Successful completion of a professional education competence program and documentation of 3 years of being rated effective or highly effective while holding a temporary certificate.
- Successful completion of a professional learning certification program.
- Successful completion of a competency-based certification program and achievement of a passing score on the professional education competency examination required by SBE rule.

### **Professional Education Competency Programs**

School districts must and private schools or state-supported public schools, including a charter school, may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional preparation and education competence as required by law.<sup>91</sup> Each program must:

- be based on classroom application of the FEAP and instructional performance; and,
- for public schools, must be aligned with the district's or state-supported public school's evaluation system.<sup>92</sup>

The Commissioner must determine the continued approval of programs, based upon the DOE's review of performance data. The DOE must review the performance data as a part of the periodic review of each school district's professional learning system.<sup>93</sup>

### **State Requirements for Educational Facilities**

The SREF is the uniform statewide building code for the planning and construction of public educational and ancillary plants. It is adopted as part of the Florida Building Code adopted by the Florida Building Commission.<sup>94</sup> District school boards must adhere to the SREF when planning and constructing educational facilities and ancillary plants. Generally, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.<sup>95</sup>

District school boards may adopt a resolution to implement an exception from any provision of the SREF that limits the ability of a school to operate in a facility on the same basis as a charter school. The resolution must pass by a majority vote at a public meeting that begins no earlier than 5 p.m. before voting on the resolution.<sup>96</sup>

<sup>91</sup> Section [1012.56\(9\)\(a\), F.S.](#)

<sup>92</sup> *Id.*

<sup>93</sup> Section [1012.56\(9\)\(b\), F.S.](#)

<sup>94</sup> Section [1013.37\(1\), F.S.](#)

<sup>95</sup> Section [1013.38\(1\), F.S.](#); 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).

<sup>96</sup> Section [1013.385, F.S.](#)

## Charter School Enrollment

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.<sup>97</sup> A parent whose child is not subject to a current expulsion or suspension order may seek enrollment in, and transport his or her child to any public school in the state, including a charter school, which has not reached capacity.<sup>98</sup> The charter school governing board shall determine capacity based upon its contract<sup>99</sup> and capacity determinations for the school, by grade level, must be updated every 12 weeks and be identified on the school website.<sup>100</sup>

A charter school that is not on a school improvement plan or corrective action plan may increase its enrollment above the capacity identified in its charter as long as it does not exceed the capacity of the facility at the time the enrollment increase will take effect. A charter school must notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year and specify the amount of the enrollment increase.<sup>101</sup>

Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>102</sup> Enrollment preference may be given to:

- siblings of current charter school students;
- children of a member of the charter school governing board;
- children of charter school employees;
- students who complete a prekindergarten education program, during the previous year, provided by the charter school, the charter school's governing board, or a prekindergarten provider which has a written agreement with the governing board;
- children of active-duty U.S. Armed Forces personnel;
- children of a safe-school officer at the school;
- students who transfer from another classical school in the state; and
- students who attend or are assigned to a failing school.<sup>103</sup>

Additionally, a charter school-in-the-workplace may give enrollment preference to children whose parents are employees of the school's business partner or whose parents are residents of the municipality in which the school is located.<sup>104</sup> A charter school-in-a-municipality may also give enrollment preference to children whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.<sup>105</sup> Students who attend a job engine charter school-in-a-municipality whose parents are employees of a job-producing entity identified by the municipality may also receive an enrollment preference.<sup>106</sup>

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<sup>97</sup> Section [1002.33\(10\)\(a\), F.S.](#) A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an "affiliated charter school." However, a charter school may use a weighted lottery under certain prescribed circumstances. *See* 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). *See also* U.S. Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter- ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oeese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

<sup>98</sup> Section [1002.31\(2\)\(a\), F.S.](#)

<sup>99</sup> Section [1002.31\(2\)\(b\), F.S.](#) Generally, the student capacity of a charter school is annually determined by the governing board, in conjunction with the sponsor. Section [1002.33\(10\)\(h\), F.S.](#)

<sup>100</sup> *Id.*

<sup>101</sup> Section [1002.33\(18\)\(h\), F.S.](#) Facility capacity for purposes of expansion includes any improvements to an existing facility or any new facility in which the student of the charter school will enroll.

<sup>102</sup> Section [1002.33\(10\)\(b\), F.S.](#)

<sup>103</sup> Section [1002.33\(10\)\(d\)1.-3. and 5.-9., F.S.](#)

<sup>104</sup> Section [1002.33\(10\)\(d\)4.a., F.S.](#)

<sup>105</sup> Section [1002.33\(10\)\(d\)4.b., F.S.](#)

<sup>106</sup> Section [1002.33\(10\)\(d\)10., F.S.](#)

A charter school may limit the enrollment process in order to target the following student populations:<sup>107</sup>

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school.
- Exceptional education students.
- Children of a business partner who seek to enroll in a charter school-in-the-workplace or children of municipal residents who seek to enroll in a charter school-in-a-municipality.
- Students residing within a reasonable distance of the charter school.
- Students who meet reasonable academic, artistic or other eligibility standards established by the charter school.
- Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.
- Students living in a development, or students whose parent or legal guardian maintains a physical or permanent employment presence within the development, in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter school facilities and related property in an amount equal to or having a total appraised value of at least \$5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units.<sup>108</sup>
- Students whose parent or legal guardian is employed within a reasonable distance of the charter school.<sup>109</sup>

A charter school's charter agreement must include admission and dismissal procedures and the school's student code of conduct.<sup>110</sup> A charter school governing board may adopt its own code of student conduct that meets or exceeds the minimum standards set forth in the sponsor's code of student conduct. Any more stringent provision must align with the school's mission and be acknowledged by parents. A sponsor may review the code and offer recommendations.<sup>111</sup>

### **Transfer of Student Records**

Florida law requires that the procedure for transferring and maintaining records of students who transfer from school to school is prescribed by rules of the SBE. The transfer of records must occur within 5 school days. The records must include, if applicable:

- Verified reports of serious or recurrent behavior patterns, including any threat assessment report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat assessment instrument which contains the evaluation, intervention, and management of the threat assessment evaluations and intervention services.
- Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by school district or charter school staff, as appropriate.<sup>112</sup>

### **Attendance Requirements in Florida**

Florida law requires all children who are between 6 years old, or who will be 6 years old by February 1 of any school year, and 16 years old to attend school regularly during the entire school term.<sup>113</sup> The law provides that a student who turns 16 years old during the school year is not subject to compulsory attendance beyond the date the student turns 16 if the student files a formal declaration of intent to terminate school enrollment, which must be signed by the student and the student's parent.<sup>114</sup>

<sup>107</sup> Section [1002.33\(10\)\(e\)1.-8.. F.S.](#)

<sup>108</sup> Students living in such a development are entitled to 50 percent of the student stations in the charter schools.

<sup>109</sup> Students who are eligible for enrollment are subject to a random lottery.

<sup>110</sup> Section [1002.33\(7\)\(a\). F.S.](#)

<sup>111</sup> Section [1002.33\(9\)\(s\). F.S.](#)

<sup>112</sup> Section [1003.25\(2\). F.S.](#) See also r. 6A-1.0955(9), F.A.C.

<sup>113</sup> Section [1003.21\(1\)\(a\)1.. F.S.](#)

<sup>114</sup> Sections [1003.21\(1\)\(c\). F.S.](#) and [1002.20\(a\)1.. F.S.](#)

Public schools are required to operate for a minimum of 180 days or the hourly equivalent.<sup>115</sup> Children must maintain regular attendance throughout the entire school term, meeting either the 180 actual school days or a minimum of 170 actual school days along with the hourly equivalent of 180 days. The hourly equivalent criteria for each grade level is:<sup>116</sup>

- Kindergarten: 540 net instructional hours.
- Grades 1-3: 720 net instructional hours.
- Grades 4-12: 900 net instructional hours.

Regular school attendance means the actual attendance of a student during the school day.<sup>117</sup> Students who are not present at scheduled times when attendance is taken on days when school is in session are considered absent. In the administration of the daily compulsory attendance law and local school system policies, a student's absence in grade levels PK-12 may be considered as "excused" or "unexcused" and appropriately identified.<sup>118</sup>

K-12 public school students' attendance, tardiness, and presence must be checked and recorded in the teacher's register or an approved attendance recording system.<sup>119</sup> Students can only be counted as present if they are physically at school or engaged in an educational activity related to the approved instructional program.<sup>120</sup>

A student with 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian, and who is subject to compulsory school attendance is considered habitually truant.<sup>121</sup> A student is also considered habitually truant if, subject to compulsory school attendance, they have had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences or unknown absences, within a 90-calendar-day period. The superintendent of schools may file a truancy petition for these students.<sup>122</sup>

### **District School Boards Responsibilities for Attendance**

District school boards provide for the enforcement of all laws and rules relating to the attendance of students at school.<sup>123</sup> Accordingly, each district school board must establish an attendance policy, encompassing the required number of school days a student must attend each academic year and specifying the number of absences and tardinesses a student can receive.<sup>124</sup>

The district school boards establish the specific criteria for determining whether an absence or tardiness is excused or unexcused.<sup>125</sup> The district boards are also authorized to establish policies that allow accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences.<sup>126</sup>

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<sup>115</sup> Section [1001.42\(12\)\(a\), F.S.](#)

<sup>116</sup> Rule 6A-1.09512(1)-(2), F.A.C.

<sup>117</sup> Section [1003.01\(16\), F.S.](#) Regular attendance may be achieved by attendance in a public school supported by public funds; a parochial, religious, or denominational school; a private school supported in whole or in part by tuition charges or by endowments or gifts; a home education program that meets the requirements of chapter 1002; a private tutoring program that meets the requirements of chapter 1002; or a personalized education program that meets the requirements of [S. 1002.395, F.S.](#)

<sup>118</sup> Florida Department of Education, Comprehensive Management Information System, at 3, *available at* <https://www.fl doe.org/core/fileparse.php/7574/urlt/atdm.pdf>.

<sup>119</sup> *Id.*

<sup>120</sup> Section [1003.23\(1\), F.S.](#) and r. 6A-1.044(3), F.A.C.

<sup>121</sup> Section [1003.01\(12\), F.S.](#); *see also*, Florida Department of Education, Attendance & Enrollment, <https://www.fl doe.org/how-do-i/attendance-enrollment.shtml> (last visited Feb. 6, 2026).

<sup>122</sup> Section [984.151\(1\), F.S.](#)

<sup>123</sup> Section [1003.02\(1\)\(b\), F.S.](#)

<sup>124</sup> Section [1003.24, F.S.](#) (flush-left provisions at end of section).

<sup>125</sup> *Id.*

<sup>126</sup> Section [1003.02\(1\)\(b\), F.S.](#)

In addition to adopting rules for attendance, district school boards must adopt rules for the control, discipline, in-school suspension, suspension and expulsion of students and decide all cases recommended for expulsion.<sup>127</sup> An “in-school suspension” means the temporary removal of a student from the student’s regular school program and placement in an alternative program, under the supervision of district school board personnel, for a period not to exceed 10 school days.<sup>128</sup> “Suspension,” also referred to as “out-of-school” suspension, means the temporary removal of a student from all classes of instruction on public school grounds and other school-sponsored activities, except as authorized by the principal or the principal’s designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student’s parent with specific homework assignments for the student to complete.<sup>129</sup>

With attendance policies developed at the school district level, there is significant variance in requirements around the state. For example, while 88 percent of Florida’s 67 school districts accept parent provided documentation for excused absences, including when a student is ill, the number of absences a parent is authorized to excuse for his or her student varies greatly between school districts, from 5 to 20.<sup>130</sup>

### **Enforcement and Intervention for School Attendance**

Florida law mandates each district school superintendent to be responsible for enforcing school attendance of all students subject to the compulsory school age and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes 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, of students enrolled in the schools.<sup>131</sup> District school superintendents may also authorize certificates of exemptions from school attendance requirements in certain situations.<sup>132</sup>

District school board policies must require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance.<sup>133</sup>

Specifically, each public school must implement the following steps to promote and enforce regular school attendance:<sup>134</sup>

- Contact the student’s parent upon each unexcused absence or absence for which the reason is unknown to determine the reason.
- Provide students with opportunities to make up work for excused absences as defined by district school board policy.
- 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 reasons are unknown, within a 90-calendar-day period, the student’s primary teacher must report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance.
- The principal must refer cases to the school’s child study team to identify remedies for patterns of truancy, unless there is clear evidence that the absences are not a pattern of nonattendance.
- Schedule a meeting with the parent if a developing pattern of nonattendance is developing, regardless of whether the absences are excused or not. Additionally, the principal must notify the district school

<sup>127</sup> Section [1003.02\(1\)\(c\)1., F.S.](#)

<sup>128</sup> Section [1003.01\(13\)\(a\), F.S.](#)

<sup>129</sup> Section [1003.01\(13\)\(b\), F.S.](#)

<sup>130</sup> Michele Watson, Florida Alliance of Children’s Councils and Trusts, *Florida Public School Attendance Policy Research Brief*, presentation before the Education Administration Subcommittee, (Feb. 4, 2025), available at <https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?MeetingId=14456&PublicationType=Committees&DocumentType=Meeting%20Packets> (last visited Feb. 6, 2026).

<sup>131</sup> Section [1003.26, F.S.](#)

<sup>132</sup> Section [1003.21\(3\), F.S.](#)

<sup>133</sup> *Id.*

<sup>134</sup> Section [1003.26\(1\)\(a\)-\(c\), F.S.](#)

superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.

- If an initial meeting does not resolve the problem, the child study team must implement the following:
  - Frequent attempts at communication between the teacher and the family.
  - Attempt to determine the reasons the child is truant from school and provide remedies if available or refer the family to services, including referring the family for available scholarship options if the learning environment is an issue of concern.
  - Evaluation for alternative education programs.
  - Attendance contracts.

While not mandatory, the child study team may implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition.<sup>135</sup> The child study team must be diligent in facilitating intervention services and must report the case to the district superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.<sup>136</sup>

If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee must refer the case to the case staffing committee within the Department of Juvenile Justice, and the district school superintendent or his or her designee may file a truancy petition.<sup>137</sup> If a student subject to compulsory school attendance is responsive to the interventions described in this section and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the student may not be determined to be a habitual truant and shall be promoted.<sup>138</sup>

### **New Worlds Reading Initiative**

In 2021, the Florida Legislature created the New Worlds Reading Initiative (NWRI), Florida's first statewide book distribution program. The purpose of the NWRI is to instill a love of reading by providing high-quality, free books to students in prekindergarten through grade 5 who are reading below grade level and to improve the literacy skills of students in prekindergarten through grade 12.<sup>139</sup>

To facilitate the NWRI, the DOE designated the University of Florida (UF) Lastinger Center<sup>140</sup> as the administrator,<sup>141</sup> also serving as the nonprofit scholarship-funding organization (SFO).<sup>142</sup> Among other responsibilities, the administrator is responsible for:<sup>143</sup>

- Developing, in consultation with the Just Read, Florida! Office, a selection of high-quality books encompassing diverse subjects and genres for each grade level to be mailed to students in the initiative and an online repository of digital science of reading materials and science of reading instructional resources that is accessible to public school teachers, school leaders, parents, and educator preparation programs and associated faculty.
- Distributing books at no cost to students either directly or through an agreement with a book distribution company.

<sup>135</sup> Section [1003.26\(1\)\(c\)1.-3.. F.S.](#) (flush-left provision at the end of the subparagraph)

<sup>136</sup> Section [1003.26\(1\)\(d\). F.S.](#)

<sup>137</sup> Section [1003.26\(1\)\(g\). F.S.](#)

<sup>138</sup> Section [1003.26\(1\)\(h\). F.S.](#)

<sup>139</sup> Section [1003.485\(2\). F.S.](#)

<sup>140</sup> See University of Florida, Lastinger Center for Learning, New Worlds Reading Initiative, <https://lastinger.center.ufl.edu/new-worlds/> (last visited Feb. 6, 2026). The UF Lasting Center for Learning promotes learning that is competency-based, technology-enhanced, researched-informed and validated, and rooted in public-private partnerships.

<sup>141</sup> Rule 6A-6.0532, F.A.C.; *see also* [s. 1003.485\(1\)\(a\). F.S.](#) Administrator means a state university registered with the department and designated to administer the initiative by implementing the NWRI and to receive funding as provided in [s. 1003.485. F.S.](#)

<sup>142</sup> See ss. [1002.394\(11\)](#) and [1002.395\(6\) and \(15\). F.S.](#)

<sup>143</sup> Section [1003.485\(4\). F.S.](#)

- Assisting with local implementation of the initiative by providing marketing materials to school districts and any partnering nonprofit organizations to assist with public awareness campaigns and other activities designed to increase family engagement and instill a love of reading in students.
- Maintaining a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.
- Developing, for parents of students in the initiative, resources and training materials that engage families in reading and support the reading achievement of their students.
- Providing professional development and resources to teachers that correlate with the books provided through the initiative.
- Developing and administering an early literacy micro-credential program for teachers.
- Submitting to the DOE an annual financial report that includes, at a minimum, the amount of eligible contributions received by the administrator; the amount spent on each activity, including administrative expenses; and the number of students and households served under the initiative.
- Maintaining separate accounts for operating funds and funds for the purchase and delivery of books.
- Expending eligible contributions received only for the purchase and delivery of books and to implement the requirements for NWRI, as well as for administrative expenses not to exceed two percent of total eligible contributions.
- Upon receipt of a contribution, providing the taxpayer that made the contribution with a certificate of contribution.

The DOE, in addition to designating a state university to administer the initiative, must also publish information about the initiative and tax credits<sup>144</sup> available for the NWRI<sup>145</sup> on its website,<sup>146</sup> including the process for a taxpayer to select the administrator as the recipient of funding through a tax credit.<sup>147</sup>

### **Interventions for Students with a Substantial Deficiency in Reading**

Public schools that serve any students in kindergarten through grade 8 must also implement an early warning system to identify students who need additional support to improve academic performance and stay engaged in school. Among other early warning indicators, the early warning system must identify a student with a substantial reading deficiency, from kindergarten through grade 3.<sup>148</sup>

Each school district must adopt a reading instruction plan to implement supports for all students in prekindergarten through grade 12 and students who exhibit a substantial deficiency in early reading.<sup>149</sup> The plan may include the following:

- Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day.
- Highly qualified reading coaches, who must be endorsed in reading, to specifically support classroom teachers in making instructional decisions based on progress monitoring data and improve classroom teacher delivery of effective reading instruction, reading intervention, and reading in the content areas based on student need.
- Professional learning to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

<sup>144</sup> See section [1002.395, F.S.](#) and rule 6A-6.0960, F.A.C. The University of Florida Lastinger Center for Learning is a registered Scholarship Funding Organization (SFO) and accepts tax credit contributions to support the New Worlds Reading Initiative.

<sup>145</sup> See section [1003.485\(5\), F.S.](#) New Worlds Reading Initiative Tax Credits; Applications; Transfers and Limits.

<sup>146</sup> Florida Department of Education, *Florida Tax Credit Scholarships*, <https://www.fl doe.org/schools/school-choice/k-12-scholarship-programs/ftc/> (last visited Feb. 6, 2026) and Florida Department of Education, *New Worlds Scholarship Accounts*, <https://www.fl doe.org/schools/school-choice/k-12-scholarship-programs/reading/> (last visited Feb. 6, 2026).

<sup>147</sup> Section [1003.485\(3\)\(a\) and \(b\), F.S.](#)

<sup>148</sup> Section [1001.42\(18\)\(b\)1.e., F.S.](#)

<sup>149</sup> Section [1003.4201, F.S.](#)

- Summer reading camps, using only classroom teachers or other district personnel who possess a micro-credential or are certified or endorsed in reading for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by district and state assessments.
- Intensive reading interventions, which must be delivered by instructional personnel who possess a micro-credential or are certified or endorsed in reading and must incorporate evidence-based strategies identified by the Just Read, Florida! Office.
- Tutoring in reading.
- A description of how the district prioritizes the assignment of highly effective teachers from kindergarten to grade 2.
- Providing resources that support informed parent involvement in decisionmaking processes for students who have difficulty in reading and for parents of students who are reading below grade level, information about the students' eligibility for the New Worlds Reading Initiative.<sup>150</sup>

Florida law requires that any student in kindergarten through grade 3 with a substantial reading deficiency or who exhibits characteristics of dyslexia; based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must receive intervention.<sup>151</sup> The parent of the student who exhibits a substantial deficiency must be notified in writing of their child's status, the interventions provided, and the strategies for parents to use at home.<sup>152</sup>

Following the identification of a reading deficiency, a student in kindergarten through grade 3 must be provided daily targeted small group explicit, direct instruction. The instruction must be systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency vocabulary, and comprehension; and must be implemented during regular school hours. The DOE is required to provide a list of approved reading and intervention programs, in addition to the core reading instruction.<sup>153</sup>

Additionally, such students must be provided with a federally required student plan, such as an IEP or an individualized progress monitoring plan, or both, as necessary.<sup>154</sup> An Individualized progress monitoring plan must be developed within 45 days of receipt of the progress monitoring results.<sup>155</sup> The plan must include, at a minimum:

- the student's specific, identified reading or mathematics skill deficiency;
- goals and benchmarks for student growth in reading or mathematics;
- a description of the specific measures that will be used to evaluate and monitor the student's progress;
- the specific evidence-based literacy instruction grounded in the science of reading which the student will receive;
- strategies, resources, and materials that will be provided to the student's parent to support the student's progress; and
- any additional services the student's teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.<sup>156</sup>

### **District and School Advisory Councils**

Each district school board must establish an advisory council for each school in the district and develop procedures for the election and appointment of advisory council members. The school advisory council is the sole body responsible for final decision-making at the school relating to the implementation of school improvement and education accountability.<sup>157</sup>

<sup>150</sup> Section [1003.4201\(1\)\(a\), F.S.](#)

<sup>151</sup> Sections [1008.25\(5\)-\(6\), F.S.](#)

<sup>152</sup> Section [1008.25\(5\)\(d\) and \(6\)\(c\), F.S.](#)

<sup>153</sup> Section [1008.25\(5\)\(a\)1., F.S.](#)

<sup>154</sup> Sections [1002.20\(11\)](#) and [1008.25\(4\)\(c\), F.S.](#)

<sup>155</sup> Section [1008.25\(4\)\(c\), F.S.](#)

<sup>156</sup> *Id.*

<sup>157</sup> Section [1001.452\(1\)\(a\), F.S.](#)

The advisory councils must consist of the principal and an appropriately balanced number of teachers,<sup>158</sup> education support employees,<sup>159</sup> students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils must include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents must be elected by their respective peer groups at the school in a fair and equitable manner.<sup>160</sup>

The district school board must review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board must appoint additional members to achieve proper representation. The Commissioner must determine if schools have maximized their efforts to include minority persons and persons of lower socioeconomic status on their advisory council.<sup>161</sup>

### **Responsibilities of the Florida High School Athletics Association**

Among the provisions relating to student extracurricular activities and athletics, there are student eligibility, governance, transparency, and student-athlete health requirements specifically for the FHSAA. Florida law establishes that the FHSAA retains jurisdiction over school membership in the FHSAA; recruiting prohibitions and violations; student medical evaluations; investigations; sanctions for coaches; school eligibility and forfeiture of competitions; student concussions and head injuries; the sports medical advisory committee; and the general operational provisions of the FHSAA.<sup>162</sup> However, the FHSAA's implementation of these provisions may not contradict statutory requirements regarding district school boards' and charter schools' responsibilities in determining student eligibility for extracurricular participation.<sup>163</sup>

Regarding governance, the FHSAA is required to adopt bylaws outlining requirements for student eligibility, recruiting violations, investigations, and appeals.<sup>164</sup> The FHSAA is also required to establish two committees: the Sports Medicine Advisory Committee SMAC and the Public Liaison Advisory Committee, which acts as a conduit for the general public to provide input in the FHSAA's decisions and conducts annual evaluations of the FHSAA.<sup>165</sup>

The membership of the Public Liaison Advisory Committee is composed of the following:

- The commissioner or his or her designee.
- A member public school principal.
- A member private school principal.
- A member school principal who is a member of a racial minority.
- An active athletic director.
- An active coach, who is employed full time by a member school.
- A student athlete.
- A district school superintendent.
- A district school board member.
- A member of the Florida House of Representatives.

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<sup>158</sup> Section [1001.452\(1\)\(a\), F.S.](#) (flush left provision at the end of the paragraph). For the purposes of school advisory councils and district advisory councils, the term "teacher" includes classroom teachers, certified student services personnel, and media specialists.

<sup>159</sup> *Id.* For the purposes of school advisory councils and district advisory councils, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel and whose duties require 20 or more hours in each normal working week.

<sup>160</sup> Section [1001.452\(1\)\(a\), F.S.](#)

<sup>161</sup> *Id.* (flush left provision at the end of the paragraph).

<sup>162</sup> Section [1006.195\(2\)\(a\), F.S.](#)

<sup>163</sup> *Id.*

<sup>164</sup> Section [1006.20\(2\) and \(7\), F.S.](#)

<sup>165</sup> Section [1006.20\(2\)\(m\) and \(6\), F.S.](#)

- A member of the Florida Senate.
- A parent of a high school student.
- A member of a home education association.
- A representative of the business community.
- A representative of the news media.<sup>166</sup>

### **District School Board Authority in an Educational Emergency**

To free schools with a school grade of "D" or "F" from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance, current law allows a district school board to adopt salary incentives or other strategies that address the selection, placement, compensation, and expectations of instructional personnel and provide principals with additional autonomy described in statute. An educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F." Notwithstanding provisions relating to collective bargaining, a district school board may:

- Provide salary incentives that differentiate based on a teacher's certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.
- Notwithstanding provisions relating to assignment of teachers, adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.<sup>167</sup>

### **Persistently Low Performing Schools**

Current law defines a persistently low performing school as a school that meets at least one of the following criteria:

- a school that has earned three grades lower than a "C," pursuant to the school grading system, in at least 3 of the previous 5 years that the school received a grade and has not earned a grade of "B" or higher in the most recent 2 school years;
- a school that was closed pursuant to Florida's school improvement system within 2 years after the submission of a notice of intent; or
- a school in the bottom 10 percent in at least 2 of the previous 3 years for student performance on the end-of-year administration of the coordinated screening and progress monitoring system for grade 3 English Language Arts or grade 4 mathematics.<sup>168</sup>

### **Developmental Research Schools**

Florida law authorizes state universities to establish developmental research schools (lab schools).<sup>169</sup> Lab schools may not serve students beyond grade 12 and must be affiliated with the college of education within the state university of nearest geographic proximity to the school.<sup>170</sup> Lab schools feature curriculum emphasizing mathematics, science, computer science and foreign languages and conduct research regarding teaching, learning, and school management.<sup>171</sup> The student enrollment process at a lab school must comprise a representative sample of public school enrollment based on gender, race, socioeconomic status and academic ability.<sup>172</sup>

Florida law limits each state university to one lab school per university with the exception of a university that establishes a lab school to serve families of a military installation that is within the same county as a branch campus that offers programs from the university's college of education and specified state university charter lab schools.<sup>173</sup>

<sup>166</sup> Section [1006.20\(21\), F.S.](#)

<sup>167</sup> Section [1001.42\(21\), F.S.](#)

<sup>168</sup> Section [1002.333\(1\)\(c\), F.S.](#)

<sup>169</sup> Section [1002.32\(2\), F.S.](#)

<sup>170</sup> Section [1002.32\(2\) and \(3\)\(a\), F.S.](#)

<sup>171</sup> Section [1002.32\(3\), F.S.](#)

<sup>172</sup> Section [1002.32\(4\), F.S.](#)

<sup>173</sup> Section [1002.32\(2\), F.S.](#)

## **Equity in School-Level Funding**

Title I of the Elementary and Secondary Education Act of 1965 (ESEA),<sup>174</sup> as amended by the Every Student Succeeds Act of 2015,<sup>175</sup> 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.<sup>176</sup>

Title I, Part A provides local educational agencies resources that help children gain a high-quality education and the skills to master Florida's state academic standards. These resources provide additional teachers, professional learning, extra time for teacher, parent involvement activities, and other activities designed to raise student achievement.<sup>177</sup>

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 10 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.
- 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.<sup>178</sup>

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 teacher 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 retained qualified and effective teachers.<sup>179</sup>

## **Safe-school Officers**

District school boards and school district superintendents are required to partner with law enforcement or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options in order for charter schools to satisfy the requirement that at least one safe-school officer be present on each school facility.<sup>180</sup>

A safe-school officer may be a school resource officer, school safety officer, school guardian, or a school security guard. A school district may implement any combination of the following options based upon the needs of the school district:<sup>181</sup>

<sup>174</sup> Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).

<sup>175</sup> Pub. L. 114-95, 129 Stat 1802 (Dec. 10, 2015).

<sup>176</sup> 20 U.S.C. a. 6301.

<sup>177</sup> See Department of Education, *Title I, Part A: Improving the Academic Achievement of the Disadvantaged*, <https://www.fl DOE.org/policy/federal-edu-programs/title-i-part-a-improving-the-academic-/> (last visited Feb. 6, 2026).

<sup>178</sup> Section [1011.69\(4\), F.S.](#)

<sup>179</sup> 20 U.S.C. 6313(c)(4).

<sup>180</sup> Section [1006.12, F.S.](#) (flush left provisions at the beginning of the section.)

<sup>181</sup> Section [1006.12\(1\)-\(4\), F.S.](#)

- **School Resource Officer.** Establish a school resource officer program through a cooperative agreement with law enforcement agencies. A school resource officer is a certified law enforcement officer<sup>182</sup> who is employed by a law enforcement agency and is required to undergo criminal background checks, drug testing, and psychological evaluation. School resource officers abide by school board policies and consult with and coordinate activities through the school principal. They are rely on the law enforcement agency for all matters relating to employment, subject to agreements between a school board and a law enforcement agency. Activities conducted by the school resource officer, which are part of the regular instructional program of the school, are under the principal's direction.<sup>183</sup>
- **School Safety Officer.** Commission one or more school safety officers as recommended by the district school superintendent and appointed by the district school board. A school safety officer is a certified law enforcement officer who may be employed by a district school board or law enforcement agency and is required to undergo criminal backgrounds checks, drug testing, and psychological evaluation. A school safety officer has and must exercise the power to make arrests for violations of law on school board property or on property owned or leased by a charter school under a charter contract. The officer may also make arrests off school board property if the law violation occurred on such property and may carry weapons when performing his or her official duties. A school safety officer's salary may be paid jointly by the school board and the law enforcement agency, as mutually agreed.
- **School Guardian.** Appoint a school guardian under the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel School Guardian program (Guardian Program) who is certified by the sheriff after satisfactory completion of training hours and screening requirements. A guardian may be a school district employee or personnel or charter school employee who volunteers to serve as a guardian, in support of school sanctioned activities, in addition to his or her official job duties. A qualifying individual may also be employed specifically as a guardian. Guardians do not have arrest powers.<sup>184</sup>
- **School Security Guard.** Contract with a security agency to employ a school security guard. A school security guard is an individual who is employed by a security agency and serves on a school facility as a safe-school officer in support of school sanctioned activities. Security guards are required to hold a concealed carry weapon permit and undergo drug testing and psychological evaluation. An individual serving in this capacity must also complete guardian program training, including 144 training hours. A security guard must aid in the prevention or abatement of active assailant incidents on school premises, but does not have arrest powers.<sup>185</sup> A school district contract with a security agency must define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.

### **Virtual Instruction Programs**

A virtual instruction program provides an interactive, technology-based learning environment in which students are separated from their teachers by time, space, or both.<sup>186</sup> A school district may provide the option to participate in virtual instruction programs for students residing within the school district.<sup>187</sup>

In order to provide students with the opportunity to participate in virtual instruction programs, a school district may:

- Contract with the Florida Virtual School (FLVS) or establish a franchise of the FLVS.

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<sup>182</sup> See [s. 943.10\(1\), F.S.](#)

<sup>183</sup> Section [1006.12\(1\)\(b\), F.S.](#)

<sup>184</sup> Section [30.15\(1\)\(k\), F.S.](#)

<sup>185</sup> Section [30.15\(1\)\(k\), F.S.](#) The local sheriff is required to establish a training program in a district where the school board has contracted for the use of school security guards. The security agency is responsible for costs associated with such training, which may not be waived by the sheriff's office.

<sup>186</sup> Section [1002.45\(1\)\(a\)3., F.S.](#)

<sup>187</sup> Section [1002.45\(1\)\(b\), F.S.](#)

- Contract with a provider approved by the Department of Education (DOE) for the provision of a full-time or part-time school district virtual instruction program.
- Enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district.
- Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs.
- Enter into an agreement with a virtual charter school authorized by the school district.<sup>188</sup>

Contracts with the FLVS or other providers may include multidistrict contractual arrangements that may be executed by a regional consortium service organization<sup>189</sup> on behalf of its member school districts.<sup>190</sup> Additionally, a virtual charter school may enter into an agreement with a school district to allow participation of the virtual charter school's students in the school district's virtual instruction program.<sup>191</sup>

District school boards are required to adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district, including educational opportunities available through the FLVS.<sup>192</sup> Additionally, district school boards must provide students with access to courses available through a virtual instruction program option, including the FLVS and other approved providers, and award credit for successful completion of such courses.<sup>193</sup>

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<sup>188</sup> Section [1002.45\(1\)\(b\)1.-5. F.S.](#)

<sup>189</sup> See s. [1001.451. F.S.](#) School districts with 20,000 or fewer unweighted full-time equivalent students, lab schools, and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization.

<sup>190</sup> Sections [1002.45\(1\)\(b\). F.S.](#) (flush left provision at the end of the subsection).

<sup>191</sup> Section [1002.45\(1\)\(c\)3.. F.S.](#)

<sup>192</sup> Section [1001.42\(17\)\(a\). F.S.](#)

<sup>193</sup> Section [1001.42\(23\). F.S.](#)

**RECENT LEGISLATION:**

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">CS/CS/HB 1255</a> - Education	Trabulsky, Tramont/ <i>Calatayud</i>	The bill became law on July 1, 2025. (The portions of HB 1255 relevant to this bill are present in Committee Substitute 2 as passed by the House)
2025	<a href="#">CS/SB 1470</a> - School Safety	Yeager, Hunschofsky/ <i>Burgess</i>	The bill became law on July 1, 2025.
2025	<a href="#">CS/CS/SB 1514</a> - Anaphylaxis in Public and Charter Schools	Harris/ <i>Smith</i>	The bill became law on July 1, 2025.
2025	<a href="#">HB 1367</a> - School Attendance	Booth, Trabulsky/ <i>McClain</i>	The bill passed the House, but died in the Senate.
2025	<a href="#">CS/CS/CS/SB 1344</a> - Juvenile Justice	Jacques, Bracy Davis/ <i>Simon</i>	The bill became law on July 1, 2025.
2024	<a href="#">HB 5101</a> - Education	Tomkow/ <i>Hooper</i>	The bill became law on July 1, 2024, except as otherwise provided.
2024	<a href="#">CS/CS/HB 1285</a> - Education	Canady/ <i>Burgess</i>	The bill became law on July 1, 2024.
2023	<a href="#">CS/CS/CS/SB 266</a> - Higher Education	Andrade/ <i>Grall</i>	The bill became law on July 1, 2023.
2023	<a href="#">CS/HB 543</a> - Public Safety	Brannan, Payne/ <i>Collins</i>	The bill became law on July 1, 2023.

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Student Academic Success Subcommittee</a>	12 Y, 5 N, As CS	1/21/2026	Sanchez	Wolff
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Required school districts and charter school governing boards to adopt policies requiring school administrators to cooperate with law enforcement campus visits, including the use of police canines.</li> <li>Required the DOE, no later than December 1, 2026, to review and revise the Size of Space and Occupant Design Criteria section of the SREF.</li> <li>Prohibited a charter school that is currently implementing a school improvement plan or a corrective action plan from dismissing a student enrolled in the charter school based on academic performance.</li> <li>Updated the Gold Seal Quality Care Program's provider eligibility requirements to include a determination by DCF that any class I violations associated with a provider were primarily the result of the providers actions or inactions.</li> <li>Required notification to the school's SRO, and access to student records upon request, when a transfer student's files contained verified reports of serious or recurrent behavior patterns, including threat assessments and all associated documentation.</li> <li>Authorized school districts to address patterns of nonattendance earlier than required in law.</li> <li>Required the ultrasound and video included in the embryologic and fetal development instruction be medically accurate.</li> <li>Clarified the certification requirements for mathematics coaches under the comprehensive system of mathematics instruction required by the bill.</li> <li>Required the SBE to identify, and authorize the use of, the two most widely recognized high school equivalency assessments.</li> <li>Required notification of eligibility for NWRI to parents of students with substantial deficiency in reading.</li> <li>Amended membership requirements for district and school advisory councils and the FHSAA Public Liaison Committee.</li> <li>Amended requirements for developmental research school admission policies.</li> <li>Included persistently low performing schools in educational emergency provisions relating to instructional personnel salary incentives.</li> </ul>			
<a href="#">PreK-12 Budget Subcommittee</a>	12 Y, 3 N, As CS	1/28/2026	Potvin	Bailey
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Deleted the requirement that each district school board and charter school governing board adopt policies requiring school administrators to cooperate with law enforcement campus visits.</li> <li>Clarified that school districts may include, under the provision of Title I educational services, STEM curricula, instructional materials, and related learning technologies that support academic achievement in science, technology, engineering, and mathematics in Title I schools.</li> </ul>			
<a href="#">Education &amp; Employment Committee</a>	15 Y, 4 N, As CS	2/10/2026	Hassell	Wolff

**THE CHANGES ADOPTED BY THE COMMITTEE:**

- Required district school boards to annually report rates of chronic absenteeism for students in kindergarten through grade 5.
- Revised provisions related to the Commissioner's authority to remove publishers that fail to comply with state law by clarifying notice and cure period requirements and limiting removal of materials to only non-compliant materials and suspension of bidding to only the subject area where violations occurred.
- Revised the deadline for the development of an individualized progress monitoring plan for a student with a substantial deficiency in reading from 45 days to 30 days.
- Revised requirements for a school district reading instruction plan to include a description of how highly qualified reading coaches will be deployed in the district.
- Clarified that all charter schools may, regardless of any local ordinance or development order, use any of the four options to satisfy the requirement to have safe-school officer on campus.
- Revised district school board responsibilities to inform the public of all virtual learning opportunities available to students.
- Removed proposed requirement for the SBE to identify, and authorize the use of, the two most widely recognized high school equivalency assessments.

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**

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