

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 320

INTRODUCER: Senator Simon

SUBJECT: Administrative Efficiency in Public Schools

DATE: January 13, 2026

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick, Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<b>Fav</b>
2.	<u>Brick, Sabitsch</u>	<u>Siples</u>	<u>FP</u>	<b>Pre-meeting</b>

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**I. Summary:**

SB 320 streamlines administrative processes for school districts by reducing regulations, increasing flexibility in policymaking, and enhancing financial and facilities management. Relating to:

- Assessment and accountability, the bill:
  - Eliminates certain school district requirements relating to the uniform assessment calendar, but requires the calendar to indicate state and district assessments.
  - Specifies that the value-added model (VAM) may not be the sole determinate in recruiting instructional personnel.
  - Requires State Board of Education (SBE) rule to provide a timeline for approving school turnaround plans and for the release of Title I funding.
- Instructional personnel, the bill:
  - Expands eligibility requirements for the Teacher Apprenticeship Program.
  - Clarifies options for an advanced degree that may be used for salary adjustments.
  - Specifies that collective bargaining may not preclude a district from providing salary supplements based on critical statewide or district needs.
  - Creates a three-year instructional multiyear contract.
  - Establishes a 10-year renewable professional certificate.
  - Authorizes school districts or regional consortia to issue temporary educator certificates.
  - Limits the requirement for demonstration of general knowledge to classroom teachers.
- School district operations, the bill:
  - Exempts school boards from Administrative Procedures Act rulemaking requirements, but maintains requirements for public input and transparency.
  - Removes the requirement that certain districts employ an internal auditor, but maintains general financial audit requirements.
  - Authorizes district school board instructional materials purchases to follow the full five-year adoption cycle.

- School district facilities, the bill:
  - Removes prescribed 5-year, 10-year, and 20-year school facility work program mandates, but maintains requirements for district long-term facility planning.
  - Modifies the conditions for districts to employ an architect.
  - Repeals life-cycle cost analysis requirements for school construction projects.
  - Expands the use of funds for the sale of school district airspace.
- School district finance and budgets, the bill:
  - Removes the requirement for graphical representation of a district budget.
  - Expands district school board discretion in allocating Title I funding and clarifies that charter schools can access services or programs funded by Title I.
  - Authorizes district school boards to use proceeds from the 1.5 mill discretionary capital levy for operational and capital purposes.
  - Requires charter schools to directly respond to expenditure questions from the Department of Education (DOE).
  - Expands the scope of capital outlay that district school boards are permitted to fund through the issuance of short-term debt instruments.
  - Authorizes district school boards to determine the need to make up days lost because of a bona fide emergency.
- Early learning, the bill:
  - Shifts oversight of public school Voluntary Prekindergarten (VPK) programs from early learning coalitions to the school district.
  - Authorizes public VPK programs to verify attendance using existing electronic systems.
- DOE oversight, the bill requires the DOE to provide district school boards with annual guidance on statutory and rule-based requirements, including information on the availability of declaratory statements.

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

The bill takes effect July 1, 2026.

## **II. Present Situation:**

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

## **III. Effect of Proposed Changes:**

### **Assessment and Accountability**

#### ***Present Situation***

##### Pre-K-12 Assessments

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

Participation in the assessment program is mandatory for all school districts and all students attending public schools.<sup>1</sup>

The statewide, standardized Coordinated Screening and Progress Monitoring (CSPM) system is used to measure student progress in public schools as well as in the Voluntary Prekindergarten (VPK) program to identify the educational strengths and needs of students. The CSPM system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts (ELA) and mathematics standards.<sup>2</sup>

Florida allows a student with a disability to receive an extraordinary exemption from an assessment if the Individualized Educational Plan (IEP) team determines that the student would be prevented from demonstrating mastery of skills measured by a statewide or alternate assessment. The IEP team may submit to the superintendent a written request for an extraordinary exemption at any time during the school year but not later than 60 days prior to the current year's assessment administration.<sup>3</sup>

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

- Whether the assessment is a district-required assessment or a state-required assessment.
- The specific date or dates that each assessment will be administered, including administrations of the CSPM system.
- The time allotted to administer each assessment.
- Whether the assessment is a computer-based assessment or a paper-based assessment.
- The grade level or subject area associated with the assessment.
- The date that the assessment results are expected to be available to teachers and parents.
- The type of assessment, the purpose of the assessment, and the use of the assessment results.
- A glossary of assessment terminology.
- Estimates of average time for administering state-required and district-required assessments, by grade level.<sup>4</sup>

School districts are required to establish schedules for the administration of any statewide, standardized assessments and district-required assessments and approve the schedules as an agenda item at a district school board meeting. Each school district is required to publish the testing schedules on its website using the uniform calendar and submit the schedules to the DOE by October 1 of each year; however, the DOE is not required to post the assessment calendars on its website. Each public school must publish schedules for statewide, standardized assessments and district-required assessments on its website using the uniform calendar.<sup>5</sup>

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<sup>1</sup> Section 1008.22(3), F.S.

<sup>2</sup> Section 1008.25, F.S.

<sup>3</sup> Section 1008.212, F.S.

<sup>4</sup> Section 1008.22(7), F.S.

<sup>5</sup> *Id.*

### School Improvement and Turnaround

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.<sup>6</sup> Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."<sup>7</sup> Upon receipt of its first grade of "D," a school is considered a Tier I SI school in need of support and intervention from the school district and the DOE.<sup>8</sup> Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of "D" or a grade of "F."<sup>9</sup>

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

- Provide a literacy coach who has a record of effectiveness as an English Language Arts teacher or coach with a value-added model (VAM) rating of Highly Effective or Effective.
- Provide a mathematics coach who has a record of effectiveness as a mathematics teacher or coach with a VAM rating of Highly Effective or Effective.
- Staff the SI school so that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five total schools and less than the state average, if the district has five or fewer schools.<sup>10</sup>

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

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

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

<sup>7</sup> Section 1008.33(3), F.S.

<sup>8</sup> Rule 6A-1.099811(3)(a), F.A.C.

<sup>9</sup> Section 1008.33(4), F.S.

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

Local Educational Agencies that are serving low-performing subgroups of students in schools implementing targeted and comprehensive support and improvement activities.<sup>11</sup>

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

#### **Pre-K-12 Assessments**

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

The bill modifies s. 1008.212, F.S., regarding extraordinary exemptions for assessments to specify that the first two administrations of the CSPM system or associated alternative assessments are exempt from extraordinary exemption requirements. Rather, the 60-day deadline for such request applies only to the third administration of the CSPM.

#### **School Improvement and Turnaround**

The bill modifies s. 1008.33, F.S., to require the DOE to adopt, in rule, a timeline for approving a district's turnaround plan and a timeline for the release of the UniSIG funding, which should not exceed 20 calendar days after the school improvement plan has been approved by the DOE. The bill also prohibits the use of VAM<sup>12</sup> as the sole determinant in recruiting instructional personnel to provide school districts with greater flexibility in staffing schools identified as in need of improvement.

### **Instructional Personnel**

#### ***Present Situation***

#### **Salary Schedules and Collective Bargaining**

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

- A grandfathered salary schedule for employees hired before July 1, 2014, which must base a portion of compensation on performance under the district's evaluation system and provide differentiated pay for instructional personnel and school administrators based on district-determined factors such as additional responsibilities, school demographics, high-need areas, and job difficulty.

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<sup>11</sup> Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023) (on file with Senate Committee on Education Pre-K-12).

<sup>12</sup> VAM is a statistical model used for the purpose of determining an individual teacher's contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

- A performance salary schedule for employees hired on or after July 1, 2014, or employees who opt out of the grandfathered schedule, which must provide annual salary adjustments for instructional personnel and school administrators based on their performance evaluations.<sup>13</sup>

In addition to establishing grandfathered and performance salary schedules, district school boards must provide salary adjustments and supplements consistent with law. A salary adjustment is an increase to an employee's base salary that becomes part of permanent compensation, while a supplement is an annual addition to base salary that does not become part of the continuing base salary but is treated as compensation for retirement purposes.<sup>14</sup>

School districts are prohibited from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.<sup>15</sup>

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

- Providing incentives to effective and highly effective teachers.
- Implementing intervention and support strategies to address low student performance and improve academic outcomes and attendance.
- Implementing student discipline policies, including reviewing a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and the community related to daily school and district operations.
- Providing any required notices or copies of information related to district school board or district operations, which is readily available on the school district's website.
- The school district's calendar.<sup>16</sup>

### Educator Contracts

Each person employed as a member of the instructional staff in any district school system is entitled to and must receive a written contract.<sup>17</sup> Three types of contracts are used to employ instructional personnel in Florida: continuing contracts, professional service contracts, and annual contracts.

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

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<sup>13</sup> Section 1012.22(1), F.S.

<sup>14</sup> Section 1012.22(1)(c)1.a. and g., F.S.

<sup>15</sup> Section 1012.22(1)(c), F.S.

<sup>16</sup> Section 1012.22(3), F.S.

<sup>17</sup> Section 1012.33(1), F.S.

school board may award an annual contract. An annual contract may be awarded only if the employee:

- Holds an active professional certificate or temporary certificate.
- Has been recommended by the district school superintendent for the annual contract based upon the individual's evaluation and approved by the district school board.
- Has not received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.<sup>18</sup>

Instructional personnel hired on or after July 1, 1984, and up to July 1, 2011, were awarded professional service contracts after three years of probationary service on annual contracts. Professional service contracts were automatically renewed each year, unless the employee was charged with unsatisfactory performance based upon his or her annual performance evaluation or the employee's performance evaluations indicate chronically ineffective performance.<sup>19</sup>

Instructional personnel hired before July 1, 1984, entered into continuing contracts upon meeting eligibility requirements. After completing three years of probationary service on annual contracts. A continuing contract entitled the employee to continued employment without the necessity of annual renewal until discontinuation of the position, resignation, dismissal, or removal from continuing contract status.<sup>20</sup>

#### Nondegreed Teachers of Career Education

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

- A high school diploma or the equivalent.
- Completion of three years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.
- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students.
- Completion of an industry certification when state or national industry certifications are available and applicable.<sup>21</sup>

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<sup>18</sup> Section 1012.335, F.S.

<sup>19</sup> Section 1012.33(3), F.S.

<sup>20</sup> Section 231.36(3)(e), F.S. (1981). A continuing contract employee may be dismissed or returned to annual contract status for a period of three years based upon the recommendation of the district school superintendent, school principal, or a majority of the school board. Section 1012.33(4)(b), F.S.; see also s. 231.36(4), F.S. (1981).

<sup>21</sup> Section 1012.39(1), F.S.

### Teacher Apprenticeship Program

In 2023, the legislature created the Teacher Apprenticeship Program (TAP).<sup>22</sup> The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required to administer the program in accordance with legislative intent regarding apprenticeship training<sup>23</sup> provided for in law.

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

- Earned an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 2.5 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.<sup>24</sup>

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law<sup>25</sup> and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.<sup>26</sup>

### 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>27</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>28</sup>

The SBE designates the certification subject areas, establishes competencies, and adopts rules by which educator certificates are issued by the DOE to qualified applicants.<sup>29</sup>

To seek educator certification, a person must attest to uphold the principles of the United States and meet other general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.<sup>30</sup>

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<sup>22</sup> Ch. 2023-38, s. 6, Laws of Fla.

<sup>23</sup> Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.

<sup>24</sup> Section 1012.555(2), F.S.

<sup>25</sup> "Team teaching" or "co-teaching" means two or more teachers are assigned to a group of students and each teacher is responsible for all the students during the entire class period. Section 1003.03(5) (c), F.S.

<sup>26</sup> Section 1012.555(2), F.S.

<sup>27</sup> Section 1012.54, F.S.

<sup>28</sup> Sections 1012.55(1) and 1002.33(12), F.S.

<sup>29</sup> Section 1012.55(1), F.S.

<sup>30</sup> Section 1012.56(2), F.S., and Rule 6A-4.003, F.A.C.



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

- General knowledge;
- Subject area knowledge; and
- Professional preparation and education competence.<sup>31</sup>

Acceptable means of demonstrating mastery of general knowledge include:

- Achievement of passing scores on the general knowledge (GK) examination;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards (NBPTS) or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that meets certain criteria;
- Achievement of passing scores on national or international examinations with comparable verbal, writing, quantitative reasoning, and rigor as the GK exam, including but not limited to Graduate Record Examination; or
- Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.<sup>32</sup>

A school district that employs an individual who does not achieve passing scores on any subtest of the GK examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. The requirement of mastery of general knowledge must be waived for an individual who has been provided three years of support and instruction and who has been rated effective or highly effective for each of the last three years.<sup>33</sup>

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.<sup>34</sup>

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.<sup>35</sup> Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional learning certification program.<sup>36</sup>

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<sup>31</sup> Section 1012.56, F.S.

<sup>32</sup> Section 1012.56(3), F.S.

<sup>33</sup> *Id.* (flush left)

<sup>34</sup> Section 1012.56(5), F.S. and Rule 6A-4002(4), F.A.C.

<sup>35</sup> Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida*, incorporated by reference in rule 6A-4.0021, F.A.C.

<sup>36</sup> Section 1012.56(6), F.S.

For the renewal of a professional certificate, applicants must earn a minimum of six college credits or 120 inservice points or a combination thereof, which must include at least one college credit or 20 inservice points in teaching students with disabilities. All renewal credits must be earned during the validity period and prior to the expiration date of the current professional certificate.<sup>37</sup> In lieu of college credit or inservice points, applicants may renew a subject area specialization by passing a state board approved Florida-developed subject area examination.<sup>38</sup>

For renewal of a professional certificate in any area of certification identified by SBE rule that includes reading instruction or intervention for any students in kindergarten through grade 6, with a beginning validity date of July 1, 2020, or thereafter, must earn a minimum of two college credits or 40 inservice points in evidence-based instruction and interventions grounded in the science of reading.<sup>39</sup>

A temporary teaching certificate is valid for five school fiscal years and is nonrenewable. The DOE is required to issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer and is required to electronically notify the applicant's employer that the temporary certificate has been issued and provide the applicant with an official statement of status of eligibility at the time the certificate is issued.<sup>40</sup>

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

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the DOE at the level required for the subject area specialization in SBE rule.<sup>41</sup>

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

- Hold a valid professional certificate;
- Have earned at least three years of teaching experience in prekindergarten through grade 12; and
- Have earned an effective or highly effective rating on the prior year's performance evaluation.<sup>42</sup>

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<sup>37</sup> Section 1012.585(3), F.S. and Florida Department of Education, *Florida Educator Certification Renewal Requirements*, <https://www.fldoe.org/teaching/certification/renewal-requirements/> (last visited December 3, 2025).

<sup>38</sup> Section 1012.585(3), F.S.

<sup>39</sup> *Id.* The evidence-based instruction and interventions grounded in the science of reading must be specifically designed for students with characteristics of dyslexia, including the use of explicit, systematic, and sequential approaches to reading instruction, developing phonological and phonemic awareness, decoding, and implementing multisensory intervention strategies.

<sup>40</sup> Section 1012.56, F.S.

<sup>41</sup> Section 1012.56(7), F.S. As specified in law, alternative pathways for a temporary certificate are available for military service members and participants in the Teacher Apprenticeship Program.

<sup>42</sup> Section 1012.56(7), F.S.

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.<sup>43</sup>

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

#### **Salary Schedules and Collective Bargaining**

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

The bill also specifies that collective bargaining may not preclude a district from providing salary supplements to address identified high demand teacher needs.

#### **Educator Contracts**

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

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

The bill requires that an employee awarded an instructional multi-year contract who receives an annual performance evaluation rating of unsatisfactory or needs improvement must be returned to an annual contract in the following school year. Such evaluation rating must be included with the evaluation ratings under subsequent annual contracts for determinations of just cause.<sup>44</sup>

#### **Non-degreed Teachers of Career Education**

The bill modifies s. 1012.39, F.S., to provide flexibility from certification requirements for school boards in hiring non-degree career and technical education (CTE) teachers by removing

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<sup>43</sup> Florida Department of Education, *Upgrading from the Temporary to the Professional Certificate*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.stml> (last visited Dec. 3, 2025).

<sup>44</sup> Section 1012.33, F.S. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

the 3-year experience and specified training requirements in favor of a minimum level established by the district school board.

#### Teacher Apprenticeship Program

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

#### Educator Certification

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

The bill authorizes school districts or regional education consortia<sup>45</sup> to issue temporary certificates and requires the DOE to adopt reporting requirements regarding the award of such certificates.

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

- Establishing an additional professional certificate with a 10-year validity period. Applicants for the 10-year professional certificate must have been awarded at least one 5-year professional certificate and must have been rated highly effective in the first four years of the 5-year validity period of his or her professional certificate.
- Specifying that applicants rated effective or highly effective for the first nine years of the 10-year validity period of his or her professional certificate are eligible to renew the 10-year professional certificate. The applicant must earn a minimum of twelve college credits or 240 inservice points or a combination thereof for a professional certificate valid for 10 years. A minimum of five college credits or 100 inservice points or a combination thereof must be earned within the first 5 years of a professional certificate valid for 10 years.

### **School District Operations**

#### ***Present Situation***

##### District School Board Policymaking

District school boards derive their primary policymaking authority from the Florida Constitution, which grants them the power to operate, control, and supervise all free public schools within the district and to determine the local school tax rate.<sup>46</sup> The Administrative Procedures Act (APA)

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<sup>45</sup> A regional education consortium is a non-profit, educational service agency established to provide cooperative services to small and rural member districts. The regional education consortia in Florida are the North East Florida Educational Consortium, Heartland Educational Consortium, and the Panhandle Area Educational Consortium.

<sup>46</sup> FLA. CONST. art. IX, s. 4(b).

applies to district school boards only when they act pursuant to statutory authority rather than their constitutional authority.<sup>47</sup> Policies adopted under constitutional authority are subject to judicial review, typically in the local circuit court.<sup>48</sup>

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

- Determine policies and programs necessary for the efficient operation and general improvement of the district school system, provided they align with state law and rule.
- Adopt rules under the APA to implement their statutory duties and supplement those established by the SBE and commissioner.
- Establish standards and policies that ensure every student has access to a comprehensive education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as outlined by state academic standards.<sup>49</sup>

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

- By publication in a newspaper in the affected area or on a publicly accessible website;
- By mail to all persons who have made requests for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and
- By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.<sup>50</sup>

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

- Florida's Sunshine Law, which requires all meetings of local government boards to be open to the public, with reasonable notice provided.<sup>51</sup>
- Requirements for notices of public meetings to include information on how affected persons may appeal decisions made at the meeting.<sup>52</sup>
- Requirements for public participation, which guarantee the public a reasonable opportunity to be heard before local governing bodies make decisions.<sup>53</sup>

Charter schools are not required to follow rulemaking procedures prescribed by the APA.<sup>54</sup>

### Instructional Materials Purchase and Reporting

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students. Adequate instructional materials is defined as a sufficient number of student or site licenses or set of materials that are available in bound,

<sup>47</sup> See s. 120.52(1)(a) and (6), F.S. See also *Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).

<sup>48</sup> See *Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).

<sup>49</sup> Section 1001.41, F.S.

<sup>50</sup> Section 120.81(1), F.S.

<sup>51</sup> Section 286.011, F.S.

<sup>52</sup> Section 286.0105, F.S.

<sup>53</sup> Section 286.0114, F.S.

<sup>54</sup> Section 1002.33(16), F.S.

unbound, kit or package form and may consist of textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media and computer courseware or software that serve as the basis for instruction for each student in the core subject areas. The core subject areas are mathematics, language arts, social studies, science, reading and literature.<sup>55</sup> Each district school board is required to purchase current instructional materials to provide for each student in grades K-12 with a major tool of instruction for core courses. Purchases are required to be made within the first three years after the effective date of the adoption cycle for materials adopted by the state.<sup>56</sup>

Each district school board or a consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instruction materials.<sup>57</sup> Procedures for the adoption of instructional materials by school districts or a consortium of school districts are specified in law.<sup>58</sup>

#### Internal Auditor

All district school boards are required to conduct an annual financial audit of their accounts and records by an independent certified public accountant.<sup>59</sup> In addition, school districts receiving annual federal, state, and local funds in excess of \$500 million are required to employ an internal financial auditor.<sup>60</sup>

#### School Financial Report

Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable, the school's improvement rating, and the school's accountability report, including the school financial report. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.<sup>61</sup>

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

#### District School Board Policymaking

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

By removing APA rulemaking requirements, the bill creates consistency in how district school boards and other local governments adopt rules. Public notice and participation requirements will remain governed by Florida's Sunshine Law and related provisions, ensuring continued public

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<sup>55</sup> Section 1006.28, F.S.

<sup>56</sup> Section 1006.40(3), F.S.

<sup>57</sup> Section 1006.283(1), F.S.

<sup>58</sup> Section 1006.28(2), F.S.

<sup>59</sup> Section 218.39, F.S.

<sup>60</sup> Section 1001.42(12), F.S.

<sup>61</sup> Section 1002.20(16), F.S.

access to school board policymaking processes. Legal challenges to school board rules would likely be brought in circuit court, similar to municipal or county rule challenges.

#### Instructional Materials Purchase and Reporting

The bill amends s. 1006.40, F.S., to extend from 3 years to 5 years the period following the effective date of an adoption cycle during which a district school board must purchase current instructional materials, unless the SBE by rule requires an earlier purchase date for a specific subject area.

#### Internal Auditor

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

#### School Financial Report

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

### **District School Board Facilities**

#### ***Present Situation***

##### District School Board Educational Facilities Plans

Annually, prior to the adoption of the district school budget, each district school board is required to prepare a tentative district educational facilities plan that includes long-range planning for facilities needs over 5-year, 10-year, and 20-year periods. Florida law enumerates specific requirements that the district school board must evaluate at over the course of the plan, including for 5-year, 10-year, and 20-year periods.<sup>62</sup>

The plan is required to include a financially feasible district facilities work program for a 5-year period. The work program is required to include:<sup>63</sup>

- A schedule of major repair and renovation projects necessary to maintain the educational facilities and ancillary facilities of the district.
- A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs, with detailed specifications set forth in state law.

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<sup>62</sup> Section 1013.35, F.S.

<sup>63</sup> Section 1013.35(2), F.S.

- The projected cost for each project identified in the district facilities work program, including a schedule of cost comparisons for the planned cost of each new student station compared with the low, average, and high cost of facilities constructed throughout the state.
- A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the district facilities work program.
- A schedule indicating which projects included in the district facilities work program will be funded from current revenues.
- A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the district facilities work program which are not funded with currently approved revenue sources.
- The number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year.<sup>64</sup>
- Prototype construction and design to be used for the construction of two or more new schools for students in the same grade group and program, such as elementary, middle, or high school.<sup>65</sup>

To the extent available, the tentative district educational facilities plan is required to be based on information produced by the state demographic, revenue, and education estimating conferences. Not less than once every five years, the district school board must have an audit conducted of the board's educational planning and construction activities. An operational audit conducted by the Auditor General satisfies this requirement.<sup>66</sup>

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

- Be a complete, balanced, and financially feasible capital outlay financial plan for the district.
- Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities, including safe access ways from neighborhoods to schools.<sup>67</sup>

Charter schools share in district school board capital outlay funding but are not subject to any of the facilities plan requirements.<sup>68</sup>

#### Public Education Capital Outlay (PECO) Allocations

Public Education Capital Outlay and Debt Service (PECO) funding is a state source of fixed capital outlay for K-20 educational facilities. PECO funded projects include site acquisition, renovation, remodeling, construction, and site improvements necessary to serve primarily the instructional programs of district school boards, Florida College System institutions, and state

<sup>64</sup> Section 1002.33(18), F.S.

<sup>65</sup> Section 1013.45(4), F.S.

<sup>66</sup> Section 1013.35(2), F.S.

<sup>67</sup> Section 1013.35(4), F.S.

<sup>68</sup> Sections 1002.33 and 1013.62, F.S.



universities.<sup>69</sup> PECO revenues are appropriated annually in the General Appropriations Act and are distributed under the framework governing funds for comprehensive educational plant needs.<sup>70</sup>

For district school boards, PECO funds are used to address needs identified in an educational plant survey conducted under SBE rules and reflected in the district's educational facilities plan.<sup>71</sup> Funds must be expended on "needed projects as shown by survey or surveys" approved in accordance with those rules.<sup>72</sup>

Current law ties several PECO allocation and eligibility concepts to two statewide data systems:

- The Florida Inventory of School Houses (FISH), which is the statewide inventory of district-owned (or certain long-term leased) educational facilities, including building capacity and utilization.<sup>73</sup>
- Capital outlay full-time equivalent (COFTE) enrollment, which uses unweighted FTE from the statewide enrollment surveys to measure the number of students served for capital planning and funding purposes.<sup>74</sup>

In practice, the DOE and the education estimating conferences rely on FISH and COFTE together to project capacity, identify districts with relatively greater facility needs, and support PECO allocation formulas that distinguish between base and growth capital outlay FTE.<sup>75</sup>

#### Educational Facilities Contracting and Construction Techniques

The State Requirements for Educational Facilities (SREF) is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants.<sup>76</sup> District school boards must adhere to the SREF when planning and constructing new facilities. Generally, SREF standards are premised on providing enhanced safety for occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.<sup>77</sup> SREF requires district school boards to employ the services of an architect for all construction projects for which the construction cost is at least \$300,000.<sup>78</sup>

The law imposes additional requirements for the employment of an architect by district school boards. District school boards are required to use the services of a registered architect for the

<sup>69</sup> Art. XII, s. 9(a)(2), Fla. Const.; s. 1013.01(16), F.S. (defining "Public education capital outlay (PECO) funded projects").

<sup>70</sup> Sections 1013.60, 1013.61, 1013.62, 1013.64, 1013.65, F.S.

<sup>71</sup> Sections 1013.31, 1013.35, 1013.64(1), F.S. (educational plant surveys; school district educational facilities plan; funds for comprehensive educational plant needs).

<sup>72</sup> Section 1013.64(1)(b), F.S. (funds accruing to a district must be expended on needed projects shown by survey).

<sup>73</sup> Section 1013.31, F.S.; State Requirements for Educational Facilities (SREF) references to FISH as the inventory of educational facilities and capacity.

<sup>74</sup> Section 1013.64, F.S. (capital outlay FTE membership definition and use); DOE and FSFOA presentations on COFTE.

<sup>75</sup> DOE "Red Book" and related capital outlay presentations describing use of FISH and COFTE in projecting facility needs and allocating PECO.

<sup>76</sup> The State Requirements for Educational Facilities (SREF) is incorporated in Rule 6A-2.0010, F.A.C., The SREF does not apply to charter schools. Section 1002.33(18), F.S.

<sup>77</sup> 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>78</sup> Florida Department of Education, *State Requirements for Educational Facilities* § 4.3(7)(c) (2014), available at <https://flrules.org/Gateway/reference.asp?No=Ref-04664>, at 58.

development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are not required, however, for a minor renovation project for which the construction cost is less than \$50,000 or for the placement or hookup of relocatable educational facilities.<sup>79</sup>

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

- The anticipated annual energy consumption;
- The relative resistance to damage by wind loads and associated debris;
- The resistance to wood-destroying organisms;
- The perpetual maintenance costs;
- The resistance to fire; and
- A comparison of the annual insurance costs.<sup>80</sup>

#### Use of Airspace for Joint-Use Development and Capital Outlay

District school boards, Florida College System institution boards, and state university boards may sell, lease, or encumber airspace for joint-use development, including nonpublic uses, with proceeds reinvested in fixed capital outlay projects. Funds may support renovations, remodeling, or new construction, though new facilities at colleges and universities require legislative approval. Any joint-use structure must comply with all applicable regulations, and educational facilities within these structures remain under their governing boards' oversight.<sup>81</sup>

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

#### District School Board Educational Facilities Plans

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

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

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

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<sup>79</sup> Section 1013.45(4), F.S.

<sup>80</sup> Section 1013.451(1), F.S.

<sup>81</sup> Section 1013.19, F.S.

### Public Education Capital Outlay (PECO) Allocations

The bill amends s. 1013.64, F.S., to specify that for district school boards, remodeling projects funded under PECO must be based on relative need as determined by the FISH and the district's COFTE. This aligns remodeling projects with existing facility survey and capacity measures.

### Educational Facilities Contracting and Construction Techniques

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

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

### Use of Airspace for Joint-Use Development and Capital Outlay

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

## **School District Finance and Budgets**

### ***Present Situation***

#### Cost Accounting and Reporting for School Districts

School districts must account for all state, local, and federal funds on a school-by-school and district-aggregate basis using cost accounting and reporting guidelines specified in law. District reporting is required as prescribed in law or in a manual developed by the DOE.<sup>82</sup>

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

- Funds for the operation of schools under the Florida Education Finance Program (FEFP).
- Total operational costs for administrative expenditures.
- Expenditures for classroom instruction.<sup>83</sup>

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

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<sup>82</sup> Section 1010.20(1), F.S.

<sup>83</sup> Section 1010.20(2), F.S.

district. The Commissioner of Education is required to report to the Legislature prior to the open of the regular session each year a district-by-district report of expenditures.<sup>84</sup>

Each district must expend a specified percentage of funds on programs that generated the funds. For example, a district must expend 90 percent of funds for kindergarten through grade 3, while districts must expend 95 percent of funds on juvenile justice programs.<sup>85</sup>

Charter schools are public schools for funding and reporting purposes and must report their financial information to their sponsor in accordance with law and the sponsor's reporting requirements.<sup>86</sup> District school boards are responsible for including charter school revenues and expenditures in the district's financial reports submitted to the DOE, and charter school financial data are included in the DOE's school-level fiscal transparency reporting.<sup>87</sup>

### School District Fiscal Transparency

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

- Summary of financial efficiency data.
- Fiscal trend information for the previous three years on:
  - The ratio of FTE students to FTE instructional personnel.
  - The ratio of FTE students to FTE administrative personnel.
  - The total operating expenditures per FTE student.
  - The total instructional expenditures per FTE student.
  - The general administrative expenditures as a percentage of total budget.
  - The rate of change in the general fund's ending fund balance not classified as restricted.<sup>88</sup>

The district school board website should contain links to:

- Help explain or provide background information on various budget items that are required by state or federal law.
- Allow users to navigate to related sites to view supporting details.
- Enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to view the questions and responses.<sup>89</sup>

Charter schools are exempt from these requirements.<sup>90</sup>

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<sup>84</sup> Section 1010.20(2), F.S.

<sup>85</sup> Section 1010.20(3), F.S.

<sup>86</sup> Section 1002.33(9)(g), (h), F.S.

<sup>87</sup> Section 1010.20, F.S.

<sup>88</sup> Section 1011.035(2), F.S.

<sup>89</sup> Section 1011.035(4), F.S.

<sup>90</sup> Section 1002.33(16), F.S.

### Short-Term Loans for Education Capital Outlay

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

- The proposed obligation does not exceed one-fourth of the revenue received during the preceding year for the district school fund for operating expenses.
- The school board adopts and includes in its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year.
- The school board issues interest-bearing notes for the obligations that do not exceed the maximum rate for government bonds.<sup>91</sup>

### Emergency Make-up Days

The Florida Legislature established the FEFP to equalize funding for educational programs and services for all students in the K-12 public school system, regardless of geographic or local economic factors. The FEFP is the primary mechanism for funding the operating costs of Florida school districts.<sup>92</sup>

Charter schools also receive funding through the FEFP. Students enrolled in a charter school, regardless of the sponsorship, are funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in a school district.<sup>93</sup>

To receive state funding through the FEFP, district school boards are required to meet minimum requirements, including operating all schools for a term of 180 actual teaching days or the equivalent on an hourly basis each school year. The SBE may alter this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the SBE, it is not feasible to make up lost days or hours. The apportionment from the FEFP may, at the discretion of the commissioner, and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.<sup>94</sup>

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<sup>91</sup> Section 1011.14, F.S.

<sup>92</sup> Section 1011.62, F.S.; Florida Department of Education, *2024-25 Funding for Florida School Districts*, (2024), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 4 (last visited Dec. 3, 2025).

<sup>93</sup> Section 1002.33(17), F.S.

<sup>94</sup> Section 1011.60(2), F.S.

### Equity in School-Level Funding

Title I of the Elementary and Secondary Education Act of 1965 (ESEA),<sup>95</sup> as amended by the Every Student Succeeds Act of 2015,<sup>96</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>97</sup> For the 2024-2025 fiscal year, Florida received approximately \$1.09 billion for Title I programs.<sup>98</sup>

Part A of Title I focuses on improving basic programs operated by local educational agencies, including district school boards and eligible charter schools within the school district.<sup>99</sup>

District school boards must allocate Title I-A funds first to serve schools in areas with poverty rates of at least 75 percent, or 50 percent for high schools.<sup>100</sup> If funds remain, the school board may serve schools in rank order according to the percentage of children from low-income families in the area, but a school board may only serve schools in areas with a poverty rate of less than 35 percent if the per student allocation of state and local funds is 125 percent greater than the per student amount received under Title I-A.<sup>101</sup>

Florida law limits the threshold for identifying eligible schools to the threshold established by a district school board for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually, which was 53.8 percent<sup>102</sup> in 2024.<sup>103</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 ten percent;
- A reasonable and necessary amount to provide:
  - Homeless programs;
  - Delinquent and neglected programs;
  - Prekindergarten programs and activities;
  - Private school equitable services; and
  - Transportation for foster care children to their school of origin or choice programs; and

<sup>95</sup> Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).

<sup>96</sup> Pub. L. 114-95, 129 Stat 1802 (Dec. 10, 2015).

<sup>97</sup> 20 U.S.C. s. 6301.

<sup>98</sup> Florida Department of Education, *Finance Data Base: Fiscal Year 2024-2025*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2425.pdf>, at 8 (last visited Dec. 3, 2025).

<sup>99</sup> 20 U.S.C. s. 6311, et. seq. Local educational agencies are public boards of education and include district school boards. 34 C.F.R. s. 303.23. *See also* s. 1011.69(2), F.S., specifying that an eligible school includes a charter school that is eligible to receive Title I funds.

<sup>100</sup> 20 U.S.C. s. 6313(a)(3).

<sup>101</sup> 34 C.F.R. s. 200.78(b).

<sup>102</sup> FLHealthCharts, *Elementary School Students Eligible for Free/Reduced Lunch*, <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=NonVitalIndNoGrp.Dataviewer&cid=497> (last visited Dec. 3, 2025).

<sup>103</sup> Section 1011.69(4), F.S.

- 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>104</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 teachers who serve in eligible schools that are identified for comprehensive support and improvement activities or targeted support and improvement activities for the purpose of attracting and retaining qualified and effective teachers.<sup>105</sup> The DOE requires all recruitment, retention, and reward incentives under the ESEA, including Title I-A and Title II,<sup>106</sup> to be based on the state value-added model or an alternative state-approved student growth model for personnel evaluations.<sup>107</sup>

In accordance with federal law and the district's approved Title I plan, districts may use Title I funds to provide a wide range of supplemental academic services and supports in eligible schools, including evidence-based interventions and enrichment in core subjects such as reading, mathematics, and science, as well as science, technology, engineering, and mathematics (STEM) activities that are designed to improve student achievement.<sup>108</sup>

Under the ESEA, the state education agency must liquidate all obligations incurred under the Federal award not later than 120 calendar days after the end date of the period of availability. Under section 412(b) of the General Education Provisions Act,<sup>109</sup> grants issued for a fiscal year may be made available for obligation on the basis of an academic or school basis.<sup>110</sup> As a result of these requirements, many Federal programs – including the Title I, Title II,<sup>111</sup> and Title III<sup>112</sup> programs – have a total period of availability of 27 months (from July 1st of the award year to September 30th of the carryover year) and a subsequent liquidation period of 120 days (October 1st through approximately January 28).<sup>113</sup> In addition, a state educational agency is required to award each subgrant for school improvement for a period of not more than four years, which may include a planning year.<sup>114</sup>

<sup>104</sup> Section 1011.69(4), F.S.

<sup>105</sup> 20 U.S.C. s. 6313(c)(4).

<sup>106</sup> Florida's Title II allocation was approximately \$119.8 million for the 2023-2024 fiscal year. Florida Department of Education, *Finance Data Base: Fiscal Year 2023-2024*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2324.pdf>, at 8 (last visited Dec. 3, 2025).

<sup>107</sup> Florida Department of Education, *K12 ESEA Federal Programs, 2023-24 Elementary and Secondary Education Act (ESEA) Federal Programs Application Companion Guide*, available at <https://www.floridacims.org/downloads>, at 61.

<sup>108</sup> See, e.g., 20 U.S.C. ss. 6314(b), 6315(b).

<sup>109</sup> Pub. L. No. 90-247.

<sup>110</sup> 20 U.S.C. s. 1225b.

<sup>111</sup> Title II of the ESEA provides grants to state educational agencies and subgrants to local educational agencies to increase student achievement consistent with the challenging State academic standards; improve the quality and effectiveness of teachers, principals, and other school leaders; increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other school leaders. 20 U.S.C. s. 6601.

<sup>112</sup> Title III of the ESEA is the English Language Acquisition, Language Enhancement, and Academic Achievement Act. 20 U.S.C. s. 6811.

<sup>113</sup> US Department of Education, *Florida Consolidated Performance Review Report FY 2023*, available at <https://oese.ed.gov/files/2023/04/FDOE-2023-Performance-Report.pdf>, at 11 (last visited Dec. 3 2025).

<sup>114</sup> 20 U.S.C. s. 6303(c).

### School Board Discretionary Millage Levy

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

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities,<sup>115</sup> athletic facilities, or ancillary facilities.<sup>116</sup>
- Purchase, lease-purchase, and lease of school buses.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.<sup>117</sup>

Current law also authorizes districts, subject to a per-student cap, to use a portion of proceeds from this levy for certain additional expenses such as specified vehicles and property and casualty insurance for educational and ancillary plants. Expenditures from the discretionary 1.5 mill levy are limited to the detailed list of allowed uses in statute. Violations of these expenditure provisions result in an equal dollar reduction in the district's Florida Education Finance Program (FEFP) funds in the fiscal year following the audit citation.<sup>118</sup>

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

#### Cost Accounting and Reporting for School Districts

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

#### School District Fiscal Transparency

The bill amends s. 1011.035, F.S., by removing the requirement that the plain language version of the school board budget posted on its website include graphical representations of the budget. The bill maintains the requirement for the website to enable individuals to ask questions about the budget but removes the requirement for the website to include links to help explain or provide background information on various budget items that are required by state or federal law and allow users to navigate to related sites to view supporting details.

#### Short-Term Loans for Education Capital Outlay

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

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<sup>115</sup> "Auxiliary facility" means the spaces located at educational plants which are not designed for student occupant stations. Section 1013.01(1), F.S.

<sup>116</sup> "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program. Section 1013.01(2), F.S.

<sup>117</sup> Section 1011.71(2), F.S.

<sup>118</sup> Section 1011.71(6), F.S.



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

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

#### Emergency Make-up Days

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

#### Equity in School-Level Funding

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

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

The bill also specifies that the education services for which a school district may withhold a portion of Title I funds prior to allocation include the provision of science, technology, engineering, and mathematics (STEM) curricula, instructional materials, and related learning technologies that support academic achievement in Title I schools. Such technologies may include drones, coding, animation, artificial intelligence, cybersecurity, data science, the engineering design process, mobile development, and robotics. Such withholding must comply with allocation levels required in federal law.

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

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

#### School Board Discretionary Millage Levy

The bill amends s. 1011.71, F.S., by expanding the allowable uses of proceeds from the district discretionary 1.5 mill levy to include operating or capital purposes for both district schools and charter schools.

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

Accordingly, the bill repeals the penalty provision in s. 1011.71(6), F.S., that requires an equal dollar reduction in a district's FEFP funds in the fiscal year following an audit citation for expenditures that do not comply with the detailed use provisions in statute, as these specified uses have been removed.

### **Early Learning**

#### ***Present Situation***

Since the inception of the Voluntary Prekindergarten (VPK) program, public schools have been instrumental in delivering the program. Public schools deliver both the 540 hour school year VPK program<sup>119</sup> and the 300 hour summer VPK program.<sup>120</sup> Historically, public schools comprise just over 20 percent of the overall VPK programs during the entire program year.<sup>121</sup>

Public schools are required to contract through the early learning coalitions (ELCs) and are subject to the same requirements as non-public programs in terms of implementing instructional standards, personnel requirements, and program accountability. While both public schools and private providers offer the school year prekindergarten program, public school districts are required to offer the summer VPK program, consisting of 300 hours of instruction, to any parent who enrolls his or her child in the program. School districts may meet this requirement by contracting with private prekindergarten providers.<sup>122</sup>

In general, VPK programs in public schools are subject to the same oversight as private VPK programs, including requirements for use of the state contract, instructor to child ratios, instructor training, attendance and reporting, accountability, and methods regarding reimbursement for the VPK program. ELCs are required to monitor the compliance of public

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<sup>119</sup> Section 1002.63(1), F.S.

<sup>120</sup> Section 1002.61(1), F.S.

<sup>121</sup> Florida Department of Education, *Division of Early Learning Annual Report 2023-2024*, available at: <https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf> (last visited Dec. 3, 2025).

<sup>122</sup> Section 1002.53(6), F.S.

school VPK programs in their county or multi-county service region for both school year<sup>123</sup> and summer<sup>124</sup> VPK programs.

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

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

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

### **State Board of Education/Department of Education Oversight**

#### ***Present Situation***

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.<sup>125</sup> The commissioner is appointed by the SBE and serves as the executive director of the DOE.<sup>126</sup> The DOE assists in providing professional leadership and guidance and in carrying out the policies, procedures, and duties authorized by law or by the SBE.<sup>127</sup>

The APA provides a process for any substantially affected person to seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances. The petition seeking a declaratory statement must state with particularity the petitioner's set of circumstances and specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.<sup>128</sup>

The agency is required to give notice of the filing of each petition in the next available issue of the Florida Administrative Register and transmit copies of each petition to the Administrative Procedures Committee. The agency must issue a declaratory statement or deny the petition within 90 days after the filing of the petition and notice the statement in the next available issue of the Florida Administrative Register. Agency disposition of petitions are final agency action.<sup>129</sup>

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<sup>123</sup> Section 1002.63(9), F.S.

<sup>124</sup> Section 1002.61(10) F.S.

<sup>125</sup> Section 1001.20(1), F.S.

<sup>126</sup> Section 20.15(2), F.S.

<sup>127</sup> Section 1001.20(2), F.S.

<sup>128</sup> Section 120.565, F.S.

<sup>129</sup> Section 120.565(3), F.S. The term "Administrative Procedures Committee" means a committee designated by joint rule of the Legislature or by agreement between the President of the Senate and the Speaker of the House of Representatives. Section 1.01(16), F.S.

***Effect of Proposed Changes***

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

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

The bill takes effect July 1, 2026.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 120.81, 163.3180, 200.065, 1001.23, 1001.42, 1002.20, 1002.33, 1002.451, 1002.61, 1002.63, 1002.68, 1002.71, 1003.631, 1004.04, 1004.85, 1006.40, 1008.212, 1008.22, 1008.25, 1008.33, 1010.20, 1011.035, 1011.14, 1011.60, 1011.6202, 1011.69, 1011.71, 1012.22, 1012.335, 1012.39, 1012.552, 1012.555, 1012.56, 1012.585, 1012.586, 1012.98, 1013.19, 1013.35, 1013.41, 1013.45, 1013.62, and 1013.64.

This bill repeals section 1013.451 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.