

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

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

Prepared By: The Professional Staff of the Committee on Appropriations

**BILL:** CS/SB 7070

**INTRODUCER:** Appropriations Committee (Recommended by Appropriations Subcommittee on Education); Education Committee; and Senator Diaz

**SUBJECT:** K-12 Education

**DATE:** April 22, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Bouck, Brick, Graf, Olenick	Sikes		<b>ED Submitted as Committee Bill</b>
1.	Underhill	Elwell	AED	<b>Recommend: Fav/CS</b>
2.	Underhill	Kynoch	AP	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 7070 establishes and modifies K-12 education programs to support students and families, public schools, and teachers. The bill expands educational choice and opportunity for low-income families, supports public schools by expanding student support services and reducing regulations, and benefits teachers by removing teacher certification barriers and providing incentive awards. Specifically, the bill:

- Provides additional educational options and support for families by:
  - Creating the Family Empowerment Scholarship to help a specified number of students from low-income families attend an eligible private school.
  - Authorizing unallocated funds under the Hope Scholarship Program to be used to fund the Florida Tax Credit Scholarship.
  - Expanding the definition of a persistently low-performing school.
- Provides support for public schools, teachers, and principals by:
  - Modifying the Best and Brightest Teachers and Principals Scholarship Programs to provide recruitment and retention bonus funds to classroom teachers, awards to principals based on the academic improvement of schools, and recognition bonus funds to all instructional personnel.
  - Modifying teacher certification requirements relating to the general knowledge examination, requiring changes to specified certification examination fees, and specifying that classroom teachers only are required to demonstrate mastery of general knowledge.

- Removing school district requirements for an educational plant survey and cost per student station restrictions when local funds are used for facility construction.
- Modifying funding for wraparound services by establishing a categorical program to help district-managed turnaround schools offer services to improve the academic and community welfare of students and families.
- Promoting the expansion of community schools to engage and support parents and community organizations to improve student learning and well-being.
- Modifying the funding compression allocation within the Florida Education Finance Program (FEFP) to make it permanent.

The bill has an indeterminate fiscal impact on state funds. See Section V.

The bill takes effect July 1, 2019.

## 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:

### Family Empowerment Scholarship

#### *Present Situation*

Florida law has established scholarship programs to promote school choice and to assist parents in the placement of their children in diverse educational settings.<sup>1</sup> Currently, the following four state school choice scholarship programs are available for students to attend private schools in the state:

- The Florida Tax Credit Scholarship program (FTC Scholarship) was established in 2001.<sup>2</sup> The FTC Scholarship enables corporate taxpayers to make private, voluntary contributions to non-profit scholarship-funding organizations (SFOs), which provide scholarships to expand educational opportunities for families who have limited financial resources.<sup>3</sup> During the 2017-2018 school year, 108,098 students attended 1,818 private schools with an FTC scholarship.<sup>4</sup>
- The John M. McKay Scholarship for Students with Disabilities Program (McKay scholarship program) was established in 2002.<sup>5</sup> The McKay scholarship program provides a parent of a student with a disability<sup>6</sup> who has an individual educational plan or a 504 accommodation plan the option to attend a public school other than the one to which the student is assigned or

<sup>1</sup> Sections 1002.385, 1002.39, 1002.395, 1002.40, and 1002.411, F.S.

<sup>2</sup> Section 1002.395, F.S.; *see s. 5, ch. 2001-225, L.O.F.*

<sup>3</sup> Section 1002.395(1)(b), F.S.

<sup>4</sup> Florida Department of Education, *Fast Facts & Program Statistics* (Sep. 2018), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/FTC-Sept-2018.pdf>.

<sup>5</sup> Section 104, ch. 2002-387, L.O.F.

<sup>6</sup> Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; another health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder. Section 1002.39(1)(b), F.S.

to receive a scholarship to a private school of choice.<sup>7</sup> The program is administered by the Department of Education (DOE).<sup>8</sup> During the 2017-2018 school year, 31,044 special needs students attended 1,482 private schools with a McKay scholarship.<sup>9</sup>

- The Gardiner Scholarship Program was established in 2014<sup>10</sup> to provide the parent of an eligible child<sup>11</sup> with a disability options to better meet the individual educational needs of the child.<sup>12</sup> Funds are distributed to a qualified SFO to establish accounts for eligible students.<sup>13</sup> During the 2017-2018 school year, 10,258 students<sup>14</sup> received the Gardiner scholarship.
- The Hope Scholarship Program was established in 2018<sup>15</sup> to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, threat, intimidation, or fighting at school, as defined by the DOE, with the option to transfer the student to another public school or a scholarship to attend an eligible private school.<sup>16</sup> To date, there have been 166 applications and a total of 91 students awarded the scholarship.<sup>17</sup>

#### Parent and Student Responsibilities for Program Participation

For a student to participate in state scholarship programs, the parent must meet certain conditions specified in law. For instance, the parent must:<sup>18</sup>

- Comply with the private schools policies;
- Request the scholarship at least 60 days prior to the date of the first scholarship payment, and;
- Notify the school district when the parent withdraws his or her student to attend an eligible private school.

In addition, a student must:

<sup>7</sup> Section 1002.39(1), F.S.

<sup>8</sup> *Id.* at (13).

<sup>9</sup> Florida Department of Education, *Fact Sheet – McKay Scholarship Program* (Sep. 2018), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/McKay-Sept.pdf>.

<sup>10</sup> Section 16, ch. 2014-184, L.O.F.

<sup>11</sup> Section 1002.385(1) and (3), F.S.

<sup>12</sup> Students with disabilities include K-12 students who are documented as having Autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term “hospital or homebound” includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months. Section 1002.385(2)(d), F.S.

<sup>13</sup> Section 1002.385(12)(e), F.S.

<sup>14</sup> Florida Department of Education, *Fact Sheet – The Gardiner Scholarship Program* (Dec. 2017), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf>.

<sup>15</sup> Section 16, ch. 2018-6, L.O.F.

<sup>16</sup> Section 1002.40(1), F.S.

<sup>17</sup> Presentation to the Committee on Education, The Florida Senate (Feb. 5, 2019), Step Up For Students, available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket\\_4388.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket_4388.pdf) at 80.

<sup>18</sup> Sections 1002.395(10), 1002.39(5), 1002.385(11), 1002.40(6), F.S.

- Take the norm referenced assessment offered by the private school or other statewide assessments as appropriate; and
- Remain in attendance throughout the school year.

### Private School Eligibility and Obligations

A private school that chooses to participate in a state scholarship program must comply with certain statutory requirements.<sup>19</sup>

Accordingly, a private school that chooses to participate in a state scholarship program must submit to the DOE a Scholarship Compliance Form<sup>20</sup> and has 60 days to resolve any outstanding compliance issues.<sup>21</sup> To renew the school's eligibility for participation in a state scholarship program, the participating private school must submit the Scholarship Compliance Form, Private School Annual Survey,<sup>22</sup> and fiscal soundness documentation.<sup>23</sup>

During the 2017-2018 school year, 2,650 private schools filed the annual private school database survey form to register with the DOE.<sup>24</sup> During that same year, 1,978 private schools participated in at least one state scholarship program,<sup>25</sup> serving approximately 151,059 students.<sup>26</sup>

### School District Obligations

In general, school districts are required to notify parents of scholarship opportunities available under the various scholarship programs and, if the family chooses to participate in the statewide assessment program, to make such assessments available.<sup>27</sup>

<sup>19</sup> Requirements include notifying the department of its intent to participate in the scholarship program; providing to the department or SFO all documentation required for a student's participation prior to scholarship payment; meeting the applicable state and local health, safety, and welfare laws, code, and rules; employing teachers who meet specified requirements; demonstrating fiscal soundness and accountability; requiring each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening. Section 1002.421, F.S.

<sup>20</sup> The Scholarship Compliance Form delineates private school reporting requirements specified pursuant to s. 1002.42, F.S., and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form. Rule 6A-6.03315(4), F.A.C.

<sup>21</sup> Rule 6A-6.03315(3), F.A.C.

<sup>22</sup> The Department of Education must organize, maintain, and annually update a database of educational institutions within the state coming within the provisions of this section. There must be included in the database the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career education and exceptional child education); the number of graduates; the number of instructional and administrative personnel. Section 1002.42(2)(a), F.S.

<sup>23</sup> Fiscal soundness is demonstrated by filing with the Department of Education a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter. Section 1002.421(1)(f), F.S.

<sup>24</sup> Florida Department of Education, *Florida's Private Schools – 2017-18 Annual Report*, available at <http://www.fldoe.org/core/fileparse.php/7562/urlt/PS-AnnualReport1718.pdf> at 2.

<sup>25</sup> Staff analysis based on 1,978 private schools that participated in at least one state scholarship program during 2017-2018 school year. Email, Florida Department of Education (Jan. 12, 2018)

<sup>26</sup> Florida Department of Education, *Facts and Figures – 2017-18, Florida Tax Credit, McKay, Gardiner*, available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/FTC-Sept-2018.pdf> at 1, <http://www.fldoe.org/core/fileparse.php/5606/urlt/McKay-Sept.pdf> at 1, <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf> at 1.

<sup>27</sup> See ss. 1002.385(7), 1002.395(10), 1002.40(6), 1002.411(6), F.S.

### Department of Education Obligations

Florida law requires that the Department of Education (DOE) oversee certain aspects of state scholarship programs. For instance, the DOE must:<sup>28</sup>

- Cross-check students against public school enrollment data and each scholarship program to avoid duplication;
- Approve nationally norm-referenced tests;
- Monitor private school compliance and take administrative action when warranted;
- Upon request of an eligible private school, provide at no cost to the school the statewide assessment and any related materials for administering the assessment;
- Process and issue McKay scholarship payments; and
- Ensure a private school meets the accountability provisions of s. 1002.421, F.S.

### Scholarship Funding and Payment

The DOE administers the John M. McKay Scholarship for Students with Disabilities Program.<sup>29</sup> The program is funded through the Florida Education Finance Program (FEFP), and the scholarship is equal to the portion of the amount a student would generate through the FEFP at his or her assigned public school or the private school's tuition, whichever is less.<sup>30</sup> The DOE processes and issues McKay scholarship payments at least 4 times per year with an average of 30,000 checks issued each quarter.<sup>31</sup>

The DOE approves eligible nonprofit organizations as SFOs to administer the other three scholarship programs that allow students to attend a private school.<sup>32</sup> SFOs administer the FTC Scholarship, Gardiner Scholarship, and Hope Scholarship. The Gardiner Scholarship is funded with general revenue funds in the General Appropriations Act with an average award of \$10,418 per scholarship.<sup>33</sup> The FTC Scholarship is funded via corporate tax credits from private entities that receive a dollar-for-dollar tax credit on five different state taxes for contributions to SFOs. Full scholarships are 88, 92 and 96 percent of the state average unweighted full-time equivalent (FTE) funding amount in the FEFP for public school students, which is \$6,519 for grades K-5, \$6,815 for grades 6-8, and \$7,111 for grades 9-12 in the 2018-2019 fiscal year. The Hope Scholarship is funded via a tax credit contribution on the purchase of a motor vehicle. The Hope Scholarship began receiving contributions October 1, 2018, and, to date, over \$14.1 million has been contributed.<sup>34</sup>

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<sup>28</sup> See generally ss. 1002.39 and 1002.421, F.S.

<sup>29</sup> Department of Education, *Presentation before the Senate Education Committee 2/5/2019*, available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket\\_4388.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket_4388.pdf), at 61.

<sup>30</sup> Section 1002.39(10), F.S.

<sup>31</sup> Department of Education, *Presentation before the Senate Education Committee 2/5/2019*, available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket\\_4388.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket_4388.pdf), at slide 13, titled "Department Responsibilities," at 61.

<sup>32</sup> See ss. 1002.385, 1002.39, 1002.395, and 1002.40.

<sup>33</sup> Florida Department of Education, *Fact Sheet – The Gardiner Scholarship Program* (Dec. 2017), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf>.

<sup>34</sup> Step Up For Students, *Presentation before the Senate Education Committee 2/5/2019*, available at [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket\\_4388.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket_4388.pdf), at 80.

## *Effect of Proposed Changes*

### Scholarship Eligibility

The bill creates s. 1002.394, F.S., establishing the Family Empowerment Scholarship Program (FES) to expand educational opportunities for children of families with limited financial resources. The bill specifies that a student is eligible for an FES if the student meets the following criteria:

- The student is on a direct certification list;<sup>35</sup> or
- The student's household income does not exceed 300 percent of the federal poverty level; or
- The student is currently placed, or during the previous fiscal year was placed, in foster care or in out-of-home care, regardless of the student's household income-level; and
- The student is eligible to enroll in kindergarten or has spent the prior school year in attendance at a public school.<sup>36</sup>

In addition, the bill establishes a scholarship funding priority for students whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care.

In addition, to be eligible for a FES, a student cannot receive any other educational scholarship and must not be enrolled in a:

- Public school or school operating for the purpose of providing educational services to youth in a Department of Juvenile Justice commitment program;
- Home education program or private tutoring program as defined in law; or
- Virtual school, correspondence school, or distance learning program that receives state funds.

The bill also specifies that a scholarship recipient is eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first.

### Parents and Student Responsibilities for Program Participation

Similar to other existing state scholarship programs such as the FTC Scholarship<sup>37</sup> and the McKay Scholarship program,<sup>38</sup> to participate in the FES Program, a parent must:

- Obtain acceptance for admission to a private school and request a scholarship from the DOE at least 60 days before the date of the first scholarship payment;
- Inform the applicable school district;
- Comply with private school policies;
- Restrictively endorse the scholarship warrant to the private school for deposit into the account of the private school; and

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<sup>35</sup> "Direct certification list" means the certified list of children who qualify for the food assistance program, the Temporary Assistance to Needy Families Program, or the Food Distribution Program on Indian Reservations provided to the Department of Education by the Department of Children and Families.

<sup>36</sup> "Prior school year in attendance" means that the student was enrolled and reported by a school district for funding during the preceding October and February FEFP surveys in kindergarten through grade 12. This provision does not apply to a member of the United States Armed Forces who transfers to a school in this state due to a parent's permanent change of station orders, nor does it apply to a foster child who otherwise meets other eligibility requirements.

<sup>37</sup> Section 1002.395(7), F.S.

<sup>38</sup> Section 1002.39(2)(b) and (8), F.S.

- Ensure that the participating student takes the norm-referenced assessment test.

In addition, students must remain in attendance throughout the year unless excused by the school for illness or good cause.

#### Private School Eligibility and Obligations

Similar to other existing state scholarship programs, the bill requires private schools participating in the FES to comply with the state choice scholarship program accountability provisions in s. 1002.421, F.S., and requires private schools to annually administer or make provisions for students in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the DOE or the statewide assessments.

#### School District and Department of Education Obligations

The DOE and the school districts must publish specified information about the FES on their respective website homepages. School districts must inform all households receiving free and reduced lunch about the FES by April 1 of each year. School districts must also notify participating students and their parents about locations and times to take statewide assessments.

#### Scholarship Funding and Payment

The bill establishes the FES for up to 18,000 students annually on a first-come, first-served basis, beginning in the 2019-2020 school year. Beginning in the 2020-2021 school year, the number of students participating in the scholarship program may increase in accordance with the percentage increase in the state's public school student population. The bill specifies that the FES will be funded through the FEFP, and administered by the DOE.

The bill requires:

- The calculated scholarship amount for a student must be 95 percent of the unweighted FTE funding amount at the district level for the state fiscal year or the amount of the private school's tuition and fees, whichever is less.
- School districts to report all students who are attending a private school under this program. The students attending private schools under the FES must be reported separately from other students reported for purposes of the FEFP.
- The Chief Financial Officer to make four equal scholarship payments no later than September 1, November 1, February 1, and April 1 of each school year and must make the first quarter scholarship payment no later than October 1, 2019.

In addition, the bill requires the DOE to:

- Cross-check the list of participating scholarship students with the public school enrollment lists prior to each scholarship payment to avoid duplication; and
- Request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

The bill requires, similar to the McKay Scholarship Program<sup>39</sup> the State Board of Education to adopt rules to administer the FES program, and specifies that:

- No liability must arise on the part of the state based on the award or use of the Family Empowerment Scholarship; and
- The inclusion of eligible private schools within options available to the Florida public school students does not expand the regulatory authority of the state.

#### Obligations of Eligible Scholarship Funding Organizations (SFOs)

The bill requires SFOs to verify the household income level of students and submit the verified list of students and related documentation to the DOE. An eligible SFO is entitled to use an amount not to exceed one percent of the total amount of all scholarships awarded under this program for administrative expenses. These administrative expenses are included within the three percent limit on the total amount an organization may use to administer scholarship programs.

### **Florida Tax Credit Scholarship Program**

#### *Present Situation*

The Florida Tax Credit Scholarship Program (FTC) allows taxpayers to make contributions to a SFO to be awarded as scholarships to eligible low-income students for private school tuition and fees.<sup>40</sup> A taxpayer can receive a tax credit to reduce liability for corporate income tax, insurance premium tax, severance taxes on oil and gas production, self-accrued sales tax liabilities of direct pay permit holders, alcoholic beverage taxes on beer, wine, and spirits, and rental or license fees.<sup>41</sup> The tax credit is equal to 100 percent of the eligible contribution made.<sup>42</sup> During the 2017-2018 school year, 108,098 students attended 1,818 private schools with an FTC scholarship.<sup>43</sup>

The FTC scholarship award to a student enrolled in an eligible private school is determined as a percentage of the statewide unweighted FTE funding amount for that fiscal year as follows:<sup>44</sup>

- 88 percent for a student enrolled in kindergarten through grade 5,
- 92 percent for a student enrolled in grade 6 through grade 8, and
- 96 percent for a student enrolled in grade 9 through grade 12.

Priority for an FTC scholarship is given to a student whose household income level does not exceed 185 percent of the federal poverty level or who is in foster care or out-of-home care.<sup>45</sup> For other FTC scholarship recipients, up to 260 percent of the federal poverty level, the annual amount of a scholarship award is reduced on a sliding scale relative to the student's household income level.<sup>46</sup> Transportation costs may be awarded to any public school student enrolled in a

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<sup>39</sup> Section 1002.39(13), F.S.

<sup>40</sup> Section 1002.395, F.S.

<sup>41</sup> Section 1002.395(1) and (5), F.S.

<sup>42</sup> Sections 220.1875 and 1002.395(5), F.S.

<sup>43</sup> Florida Department of Education, *Fast Facts & Program Statistics* (Sep. 2018), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/FTC-Sept-2018.pdf>.

<sup>44</sup> Section 1002.395(11), F.S.

<sup>45</sup> Section 1002.395(6)(e), F.S.

<sup>46</sup> *Id.*

public school that is different from the school to which the student is assigned and is located outside the district in which the student resides.<sup>47</sup>

Eligible SFOs are authorized to use up to 3 percent of eligible tax credit contributions received during a fiscal year in which the contributions are collected for administrative expenses.<sup>48</sup>

SFOs must award scholarships in an amount equal to or greater than 75 percent of the net eligible contributions remaining after administrative expenses during the fiscal year in which such contributions are collected. No more than 25 percent of the net eligible contributions may be carried forward to the following fiscal year, and all carried forward amounts must be awarded to specifically-identified students in the following fiscal year. Net eligible contributions remaining on June 30 of each fiscal year in excess of the 25 percent carry forward amount must be transferred to other eligible SFOs to provide scholarships for eligible students.<sup>49</sup>

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

The bill modifies the Florida Tax Credit Scholarship Program (FTC) awards and specifies that a student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student's household income level exceeds 260 percent of the federal poverty level, whichever occurs first. Beginning in 2019-2020 school year, the bill requires the scholarship amount for all eligible students to attend an eligible private school be set at 95 percent of the unweighted FTE funding amount at the district level for that state fiscal year.

The bill authorizes a student who received a scholarship in the 2018-2019 school year, and who is enrolled in an eligible private school, to receive the greater of 95 percent of the unweighted FTE funding amount at the district level for that state fiscal year or a percentage of the statewide unweighted FTE funding amount for the 2018-2019 state fiscal year, whichever is greater. The bill removes the sliding scale for an award based on income level between 185 percent and 260 percent of the federal poverty level.

The bill amends the provisions relating to the 3 percent administrative fee that eligible nonprofit SFOs are authorized to retain by allowing them to use eligible contributions received pursuant to ss. 212.099, 212.1832, 1002.395, and 1002.40, F.S., for administrative expenses. The bill provides that administrative expenses may not exceed 3 percent of the total amount of all scholarships awarded by an eligible SFO under chapter 1002. The bill authorizes net eligible contributions remaining on June 30 of each year to be used to provide scholarships to eligible students or transferred to other eligible SFOs to provide scholarships for eligible students by September 30 of each year.

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<sup>47</sup> Section 1002.395(6)(d), F.S.

<sup>48</sup> Section 1002.395(6)(j), F.S.

<sup>49</sup> Section 1002.395(6)(j), F.S.

## **Gardiner Scholarship Program**

### ***Present Situation***

The Gardiner Scholarship Program (GSP) provides an award to an eligible disabled student with an Individualized Education Plan (IEP) that can be used for tuition and fees at a private school or to purchase approved services or products in order to design a customized educational program for the student.<sup>50</sup> GSP scholarships are awarded by eligible scholarship-funding organizations (SFO).<sup>51</sup>

In addition to the funds appropriated for the GSP and subject to a separate appropriation, an eligible SFO may receive an amount equivalent to not more than 3 percent of the amount of each scholarship award from state funds for administrative expenses. Such administrative expenses must be reasonable and necessary for the SFO's management and distribution of scholarships.<sup>52</sup>

In 2018, the Legislature created s. 212.099, F.S., which established the Florida Sales Tax Credit Scholarship Program.<sup>53</sup> Eligible contributions from this tax credit are designated for the Gardiner Scholarship Program, with surplus funds designated for the Florida Tax Credit Scholarship Program (FTC).<sup>54</sup> The 2018-2019 Implementing Bill dedicated all funds received under this tax credit to the FTC, notwithstanding the prioritization of funds in s. 212.099(7)(b), F.S.<sup>55</sup>

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

The bill redirects eligible contributions from real property **rental and license fee tax credits** to the Florida Tax Credit Scholarship Program. The bill removes the provision in law authorizing a separate appropriation for administrative fees for a SFO and aligns with other provisions in the bill authorizing a SFO to retain administrative expenses from eligible contributions to the SFO.

## **Best and Brightest Teacher and Principal Scholarship Programs**

### ***Present Situation***

The Best and Brightest Teacher Scholarship Program provides eligible classroom teachers with an award based on the teacher's evaluation rating and performance on the SAT or ACT standardized assessment. Eligible classroom teachers receive awards under the program as follows:

- Teachers who are evaluated as "highly effective"<sup>56</sup> and who scored at or above the 80th percentile nationally on either the SAT or the ACT at the time the assessment was taken are provided an award of \$6,000. In the 2017-2018 fiscal year, 9,229 classroom teachers received this award.<sup>57</sup>

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<sup>50</sup> Section 1002.385(5), F.S.

<sup>51</sup> Section 1002.385(12), F.S.

<sup>52</sup> *Id.*

<sup>53</sup> Section 1, ch. 2018-6, L.O.F.

<sup>54</sup> Section 212.099(7)(b), F.S.

<sup>55</sup> Section 7, ch. 2018-10, L.O.F.

<sup>56</sup> As determined by the district evaluation system pursuant to s. 1012.34, F.S.

<sup>57</sup> Email, Florida Department of Education, (Feb. 25, 2019).

- First-year teachers who have not yet been evaluated can qualify for a \$6,000 scholarship if the teacher scored at or above the 80th percentile on the SAT or ACT at the time the assessment was taken.<sup>58</sup> In the 2017-2018 fiscal year, 586 first-year classroom teachers received this award.<sup>59</sup>
- Teachers who are evaluated as “highly effective”<sup>60</sup> are provided an award of \$1,200, including teachers who earned the \$6,000 award based on the teachers’ SAT or ACT score. In the 2017-2018 fiscal year, 82,790 classroom teachers received this award.<sup>61</sup>
- Teachers who are evaluated as “effective”<sup>62</sup> may receive an award of up to \$800.<sup>63</sup> In the 2017-2018 fiscal year, 72,126 classroom teachers received this award.<sup>64</sup>

The \$1,200 and \$800 Best and Brightest Teacher Scholarship awards are only authorized for the 2017-2018, 2018-2019, and 2019-2020 school years.

The Best and Brightest Principal Scholarship Program provides scholarships to principals who have served as principal at the school for at least the last 2 consecutive school years and the faculty at his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher, statewide, for that school type (elementary, middle, high, or combination).<sup>65</sup>

A best and brightest principal receives a scholarship of:

- \$5,000 if the principal is assigned to a Title I school; or
- \$4,000 if the principal is not assigned to a Title I school.

In the 2017-2018 fiscal year, principals qualified for Best and Brightest Principal Scholarships as follows:

- 318 principals received the \$5,000 award and
- 320 principals received the \$4,000 award.<sup>66</sup>

In addition to the monetary award, a school district must provide best and brightest principals with the same autonomy provided to principals participating in the Principal Autonomy Program Initiative (PAPI) concerning budgetary and personnel decisions.

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

The bill reconfigures both the Florida Best and Brightest Teacher Program and the Florida Best and Brightest Principal Program. The Best and Brightest Teacher Program is revised to authorize three types of awards – recruitment, retention and recognition – each with distinct criteria for determining eligibility. The Best and Brightest Principal Program is based on the academic

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<sup>58</sup> Section 1012.731(3)(a), F.S.

<sup>59</sup> Email, Florida Department of Education, (Feb. 25, 2019).

<sup>60</sup> As determined by the district evaluation system pursuant to s. 1012.34, F.S.

<sup>61</sup> Email, Florida Department of Education, (Feb. 25, 2019).

<sup>62</sup> As determined by the district evaluation system pursuant to s. 1012.34, F.S.

<sup>63</sup> Section 1012.731(3)(c), F.S.

<sup>64</sup> Email, Florida Department of Education, (Feb. 25, 2019).

<sup>65</sup> Section 1012.732(3), F.S.

<sup>66</sup> Email, Florida Department of Education, (Feb. 25, 2019).

improvement of the school. The funding for both programs will be provided from a new categorical within the FEFP.

The bill amends s. 1012.731, F.S., to restructure the Florida Best and Brightest Teacher Program to recruit, retain, and recognize teachers who meet the needs of the state and achieve success in the classroom. The bill removes a teacher's performance on the SAT or ACT as a factor in determining eligibility for the award. The bill establishes the following best and brightest teacher awards:

- Recruitment awards for newly hired teachers who are a content expert, based on criteria established by the department, in mathematics, science, computer science, reading, or civics.
- Retention awards for teachers rated as "highly effective" or "effective" the preceding year, and currently teaching in a school that has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.
- Recognition awards for teachers and instructional personnel rated as "highly effective" or "effective" and selected by the school principal based on performance criteria and policies adopted by the district school board.

All award amounts for the program will be specified annually in the General Appropriations Act (GAA). The recognition awards must be provided from remaining funds available after the payment of all other teacher recruitment and retention awards and principal awards.

The bill amends s. 1012.732, F.S., to base the Florida Best and Brightest Principal Program on school performance. A principal is eligible for an award if he or she has served as school principal at his or her school for at least 4 consecutive school years, including the current school year, and the school has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years. Award amounts for the program will be specified annually in the GAA.

The bill amends s. 1011.62, F.S., to establish the Florida Best and Brightest Teacher and Principal Allocation within the FEFP. Each school district will be provided an allocation based on the district's proportionate share of FEFP base funding for best and brightest teacher and principal awards as established within those programs.

### **Funds for the Operation of Schools**

The Legislature has created mechanisms to provide supplemental funding for the operation of schools.

#### ***Federally Connected Student Supplement***

##### **Present Situation**

The federally connected student supplement is created to provide supplemental funding for school districts to support the education of students connected with federally owned military installations, National Aeronautics and Space Administration (NASA) real property, and Indian

lands.<sup>67</sup> To be eligible for this supplement, the district must be eligible for federal Impact Aid Program funds under s. 8003 of Title VIII of the Elementary and Secondary Education Act of 1965.<sup>68</sup> The supplement must be allocated annually to each eligible school district in the GAA.<sup>69</sup> The supplement must be the sum of the student allocation and an exempt property allocation.<sup>70</sup>

The amount allocated for each eligible school district must be recalculated during the year using actual student membership, as amended, from the most recent February survey and the tax-exempt valuation from the most recent assessment roll.<sup>71</sup> Upon recalculation, if the total allocation is greater than the amount provided in the GAA, it must be prorated to the level of the appropriation based on each district's share of the total recalculated amount.<sup>72</sup>

In 2018, the Legislature appropriated \$12,998,722 for the federally connected student supplement.<sup>73</sup>

### Effect of Proposed Changes

The bill removes the requirement related to prorating the level of appropriation for the federally connected supplement. As a result, the bill allows the school districts to be fully funded under the federally connected student supplement.

### ***Funding Compression Allocation***

#### Present Situation

The Legislature created the funding compression allocation to provide additional funding to school districts and developmental research schools whose total funds per full-time equivalence (FTE) in the prior year were less than the statewide average.<sup>74</sup> Florida law specifies that the Legislature may provide an annual funding compression allocation in the GAA.<sup>75</sup> In 2018, the Legislature appropriated \$56,783,293 for a funding compression allocation to school districts and developmental research schools whose total funds per FTE in the prior school year were less than the statewide average.<sup>76</sup> For the 2018-2019 allocation, 25 percent of the difference between the district's prior year funds per FTE and the state average must be used to determine the allocation.<sup>77</sup> A district's allocation must not be greater than \$100 per FTE.<sup>78</sup>

The funding compression allocation is scheduled to expire July 1, 2019.<sup>79</sup>

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<sup>67</sup> Section 1011.62(13), F.S.

<sup>68</sup> Section 1011.62(13), F.S.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Section 1011.62(13(d)), F.S.

<sup>72</sup> *Id.*

<sup>73</sup> Specific appropriation 92, ch. 2018-9, L.O.F.

<sup>74</sup> Section 1011.62(17), F.S.

<sup>75</sup> Section 1011.62(17), F.S.

<sup>76</sup> Specific appropriation 92, ch. 2018-9, L.O.F.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> Section 1011.62(17), F.S.

### Effect of Proposed Changes

The bill saves the funding compression allocation from repeal by removing the July 1, 2019, expiration date.

### ***Virtual Education Contribution***

#### Present Situation

Annually the Legislature may provide in the Florida Education Finance Program (FEFP) a virtual education contribution (VEC). The amount of the VEC is the difference between the amount per full-time equivalent (FTE) established in the General Appropriations Act for virtual education and the amount per FTE for each district and the Florida Virtual School. It is calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded compression supplement, the research-based reading instruction allocation, and the instructional materials allocation and then dividing by the total unweighted FTE. The difference is multiplied by the virtual education unweighted FTE for programs and options identified in s. 1002.455, F.S., and the Florida Virtual School and its franchises to equal the virtual education contribution and is included as a separate allocation in the funding formula.<sup>80</sup>

### Effect of Proposed Changes

The bill includes the new Florida Best and Brightest Teacher and Principal Allocation in the calculation of the virtual education contribution.

### ***Reading Scholarship Accounts***

#### Present Situation

The Reading Scholarship Accounts program was established in July 2018 and offers educational options for students on a first-come, first-serve basis for students in grades 3 through 5 who are enrolled in a Florida public school and who scored below a Level 3 on the grade 3 or grade 4 statewide standardized English Language Arts assessment in the prior school year. An eligible student who is classified as an English Language Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Language Learner students receive priority.<sup>81</sup>

An eligible nonprofit SFO participating in the Florida Tax Credit Scholarship Program may establish Reading Scholarship Accounts for eligible students.<sup>82</sup> In addition to the funds appropriated for the scholarships and subject to a separate, specific appropriation, an eligible nonprofit SFO may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses. Such administrative expenses must be reasonable and necessary for the SFO's management and distribution of scholarships.<sup>83</sup>

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<sup>80</sup> Section 1011.62(11), F.S.

<sup>81</sup> Section 1002.411(2), F.S.

<sup>82</sup> Section 1002.411(4), F.S.

<sup>83</sup> Section 1002.411(6)(g), F.S.

For Fiscal Year 2018-2019 the amount of the scholarship is \$500 per eligible student<sup>84</sup> and may be used for the reimbursement of qualifying expenditures authorized in law.

### Effect of Proposed Change

The bill removes references to the \$500 per eligible student award for Fiscal Year 2018-2019. The bill also removes the provision in law authorizing a separate appropriation for administrative fees for a SFO.

## **Teacher Certification**

### *Present Situation*

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Department of Education (DOE).<sup>85</sup> Certification requirements are established to assure that public school teachers in this state are professionally qualified and possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning. The certification requirements also assure teachers possess the relevant subject matter competence so as to demonstrate an acceptable level of professional performance.<sup>86</sup>

### Types of Educator Certificates

The DOE identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers for all programs and courses funded through the FEFP.<sup>87</sup>

The DOE issues three types of educator certificates:<sup>88</sup>

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate.<sup>89</sup>
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate.<sup>90</sup>
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.<sup>91</sup>

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<sup>84</sup> Section 1002.411(7), F.S.

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

<sup>86</sup> Section 1012.54, F.S.

<sup>87</sup> Section 1012.55(1)(c), F.S.

<sup>88</sup> Section 1012.55, F.S.

<sup>89</sup> Section 1012.56(1)-(3) and (7), F.S.

<sup>90</sup> Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C. A temporary certificate may be extended for two years owing to serious illness or injury of applicant, military service of applicant's spouse, or other extraordinary extenuating circumstances. The temporary certificate may also be extended for one year if the certificate holder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education. The department must also reissue the temporary certificate for two additional years upon approval by the Commissioner of Education. Section 1012.56(7), F.S.

<sup>91</sup> Section 1012.55(2)(a), F.S.

### Eligibility Criteria for Educator Certification

In addition to general eligibility criteria,<sup>92</sup> instructional personnel<sup>93</sup> must demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence to be issued a professional certificate.<sup>94</sup> The DOE must issue a temporary certificate to an individual who meets general eligibility criteria and has demonstrated subject area competence.<sup>95</sup>

### Mastery of General Knowledge

The general knowledge examination is composed of four subtests: essay; English language skills; reading; and mathematics.<sup>96</sup> A teacher issued a temporary certificate must demonstrate mastery of general knowledge by achieving passing scores on all subtests within one calendar year of the date of employment under the temporary certificate.<sup>97</sup> A school district may not continue the employment beyond one year of a teacher with a temporary certificate who has not demonstrated mastery of general knowledge.<sup>98</sup>

Florida law provides options for a teacher to demonstrate mastery of general knowledge.<sup>99</sup> Such options include achieving passing scores on the general knowledge examination required by State Board of Education (SBE) rule,<sup>100</sup> holding a specified teaching certificate, completing specified postsecondary teaching experience, or achieving passing scores on the Graduate Record Examination.

### Certification Examination Fees

The SBE is required to, in rule,<sup>101</sup> establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping. Each fee must be based on DOE estimates of the revenue required to implement the Florida law relating to certification of school personnel. Each examination fee must be sufficient to cover the actual cost of developing and administering the examination.<sup>102</sup>

<sup>92</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>93</sup> Section 1012.01(2), F.S.

<sup>94</sup> Section 1012.56(2)(g)-(i).

<sup>95</sup> Section 1012.56(5), F.S.

<sup>96</sup> Rule 6A-4.0021(7)(a), F.A.C.

<sup>97</sup> Section 1012.56(7), F.S.

<sup>98</sup> *Id.* However, individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. *Id.*

<sup>99</sup> Section 1012.56(3), F.S.

<sup>100</sup> In 2014, the general knowledge test was redeveloped to match the increased rigor of competencies and skills required for teacher certification. The SBE also approved new higher passing scores for the examination. These new passing scores for all subtests of the General Knowledge Test became effective January 1, 2015. State Board of Education, *Approval of Amendment to Rule 6A-4.0021, Florida Teacher Certification Examinations* (Nov. 18, 2014), available at <http://www.fldoe.org/core/fileparse.php/9931/urlt/0109031-40021.pdf>. The cut scores were set for a beginning effective teacher, one that is likely to have successful students in his or her classroom as opposed to the prior standard, which was minimum competency. State Board of Education, *Nov. 18, 2014 Meeting Minutes* (Jan. 14, 2015), available at <http://www.fldoe.org/core/fileparse.php/9971/urlt/minutes11415.pdf>, at 7.

<sup>101</sup> Section 1012.59, F.S. Rule 6A-4.0021, F.A.C.

<sup>102</sup> Section 1012.59, F.S. The proceeds from the certification fees and other specified revenue is deposited to the “Educational Certification and Service Trust Fund” and disbursed for the payment of expenses incurred by the Educational Practices Commission and in the printing of forms and bulletins and the issuing of certificates. *Id.* at (2).

The certification examination fees are as follows:<sup>103</sup>

- General Knowledge:
  - Initial (first-time) registration - \$130.00
  - Retake (any subtest or full battery) - \$150.00
- Professional Education:
  - Initial (first-time) registration - \$150.00
  - Retake (any subtest or full battery) - \$170.00
- Subject Area Examinations:
  - Initial (first-time) registration – \$200.00
  - Single subtest retake - \$150.00
  - Two subtest retake - \$200.00
  - Three subtest and full battery retake - \$220.00

The SBE is required to waive initial general knowledge, professional education, and subject area examination fees and certification fees for specified members or honorably discharged veterans of the United States Armed Forces or reserves, and their spouses.<sup>104</sup>

### Teacher Preparation Programs

Educator preparation institutes may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet statutory educator certification requirements.<sup>105</sup> An educator preparation institute must apply to the Department of Education (DOE) to implement a competency-based certification program.<sup>106</sup> Approved programs are available for use by other approved educator preparation institutes.<sup>107</sup> The DOE must approve a certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes each of the following:

- Participant instruction and assessment in the Florida Educator Accomplished Practices.
- The state-adopted student content standards.
- Scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.
- Content literacy and mathematical practices.
- Strategies appropriate for instruction of English language learners.
- Strategies appropriate for instruction of students with disabilities.
- School safety.
- An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification.

<sup>103</sup> Rule 6A-4.0021(4)(b)-(e), F.A.C.

<sup>104</sup> Section 1012.59(3), F.S.

<sup>105</sup> Section 1004.85(3), F.S.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

- Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the supervision of qualified educators.
- A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the required background screening and educator professional or temporary certification.

Each approved institute must submit to the DOE annual performance evaluations that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and employer satisfaction surveys. The employer satisfaction surveys must be designed to measure the sufficient preparation of the educator to enter the classroom.

### *Effect of Proposed Changes*

#### Temporary Certificate

The bill amends s. 1012.56, F.S., to remove the requirement that a teacher issued a temporary certificate must demonstrate mastery of general knowledge by achieving passing scores on all subtests within one calendar year of the date of employment. The bill also removes the prohibition on a school district from continuing employment beyond one year for a teacher with a temporary certificate who has not demonstrated mastery of general knowledge.

The bill retains the requirement for a teacher to demonstrate mastery of general knowledge as a condition for issuance of a professional certificate, but extends the time to demonstrate mastery of general knowledge for the validity period of the temporary certificate. This extension of the time allotted to demonstrate mastery might allow more teachers who do not possess passing scores to continue employment beyond the first year. The bill also modifies the provisions for an extension of time to earn a professional certificate. Specifically, the bill provides a teacher an additional two years to earn a professional certificate if the certificate holder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program pursuant to s. 1012.56(8), F.S.

#### Mastery of General Knowledge

The bill amends s. 1012.56, F.S., to specify that only a classroom teacher must demonstrate mastery of general knowledge to earn the applicable educator certificate. The bill requires a school district who employs a classroom teacher who does not achieve passing scores on any subtest of the general knowledge examination to provide information regarding the availability of state-level and district-level supports and instruction to assist that teacher in achieving a passing score. Such information must include, but is not limited to:

- State-level test information guides;
- School district test preparation resources; and
- Preparation courses offered by state universities and FCS institutions.

This may result in increased school district activity to help teachers achieve passing scores, and may result in more teachers passing the general knowledge examination.

### Teacher Certification Examination Fees

The bill amends s. 1012.59, F.S., to modify the requirement that the SBE establish in rule various certification fees. Specifically, the bill removes the provision that examination fees must be sufficient to cover the actual cost of developing and administering the examination and requires that the rule specify the following fees:

- Initial registration for first-time test takers.
- Retake of the full battery of subtests of an examination, if applicable. The retake fee for the full battery of subtests may not exceed the fee for the initial registration.
- Retake for each subtest of an examination. The retake fee for each subtest must be prorated based on the number of subtests within the examination.

Such registration and retake fees may make teacher certification examinations more affordable for potential and current teachers.

### Teacher Preparation Programs

The bill revises the required criteria for continued teacher preparation program approval to include a survey of program completers' satisfaction with preparation for the realities of the classroom, employers' satisfaction with the program, and the programs' responsiveness to, local school districts. Each Florida public and private institution must include these surveys in their annual report regarding state-approved teacher preparation programs to the general public.

The bill revises the requirements for approval of an educator preparation institute's certification program to include, in addition to the requirements of current law:

- Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.
- The use of state-adopted content standards to guide curriculum and instruction.
- Strategies to differentiate instruction based on student need. The bill eliminates the requirement that the plan include instruction and assessment in school safety.
- The use of character-based classroom management.
- Field experiences appropriate to the certification subject area with a diverse population of students in a variety of challenging environments, including, but not limited to, high-poverty schools, urban schools, and rural schools, under the supervision of qualified educators.

The bill modifies the performance evaluations that measure the effectiveness of the programs to include satisfaction surveys of employers and teacher-candidates, rather than just of employers. The bill also requires each institute to design the surveys to measure the sufficient preparation of an educator for the realities of the classroom and the institute's responsiveness to local school districts.

## **Educational Facilities**

### *Present Situation*

#### Conformity to Codes

All public educational and ancillary plants constructed by a district school board must conform to the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements

for Educational Facilities.<sup>108</sup> A district school board may, with a supermajority vote, adopt a resolution to implement exceptions to the educational facilities construction requirements. Before voting on the resolution, a district school board must conduct a cost-benefit analysis and at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis. An adopted resolution may propose to implement exceptions to the requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants relating to:<sup>109</sup>

- Interior non-load-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior non-load-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- Site lighting, by approving construction specifications regarding site lighting that:
  - Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
  - Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
  - Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 foot-candle.
- Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

### Educational Plant Survey

At least every 5 years, each board<sup>110</sup> must arrange for an educational plant survey to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan.<sup>111</sup>

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<sup>108</sup> Section 1013.371, F.S. The State Requirements for Educational Facilities are incorporated in Rule 6A-2.0010, F.A.C., and are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664> (last visited Apr. 18, 2019). The State Requirements for Educational Facilities (SREF) is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.*

<sup>109</sup> Section 1013.385, F.S.

<sup>110</sup> “Board,” unless otherwise specified, means a district school board, a Florida College System institution board of trustees, a state university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. Section 1013.01(3), F.S.

<sup>111</sup> Section 1013.31(1), F.S.

Florida law specifies that a district may use funds from the following sources for capital outlay for educational, auxiliary, and ancillary facilities without requiring a recommendation from the DOE for approval by the State Board of Education:<sup>112</sup>

- The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;
- A bond approved by taxpayers through a referendum;
- One-half cent sales surtax revenue;
- One cent local governmental surtax revenue;
- Impact fees; and
- Private gifts or donations.

#### Funds for Comprehensive Educational Plant Needs

Current law prohibits a district school board from using funds from specified sources, including the nonvoted 1.5-mill levy of ad valorem property taxes, for any new construction of educational plant space with a total cost per student station exceeding:<sup>113</sup>

- \$22,996 for an elementary school;
- \$24,833 for a middle school; or
- \$32,256 for a high school.<sup>114</sup>

A district school board may not use funds from any source for the new construction of educational plant space with a total cost per student station exceeding the cost per student station limits unless a contract for architectural and design services or for construction management services was executed before July 1, 2017.<sup>115</sup> A district school board in violation of the cost per student station limits is ineligible for Public Education Capital Outlay (PECO) funds for 3 years and subject to supervision by an oversight committee, whose members are specified by law.<sup>116</sup>

Florida law specifies that the cost per student station include contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs.<sup>117</sup> Cost per student station does not include the costs of purchasing or leasing the construction site, making related offsite improvements, securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, bullet-proof glass, or other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities. However, cost for such items must be below 2 percent of the cost per student station.<sup>118</sup>

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<sup>112</sup> *Id.* at (a) and (d).

<sup>113</sup> Section 1013.64(6)(b)1., F.S.

<sup>114</sup> Florida Department of Education, *Cost Per Student Station (Feb. 2019)*, available at <http://edr.state.fl.us/Content/conferences/peco/studentstation.pdf>.

<sup>115</sup> Section 1013.64(6)(b)3., F.S.

<sup>116</sup> Section 1013.64(6)(c), F.S.

<sup>117</sup> Section 1013.64(6)(d), F.S.

<sup>118</sup> *Id.*

Florida law specifies that school districts that request Special Facilities funding must submit phase III construction plans before June 1 of the year the application is made.

### *Effect of Proposed Changes*

The bill provides school districts additional flexibility for constructing facilities by including the funds generated by a 1.5-mill levy of ad valorem property taxes with the existing funds the district can use for capital outlay for educational, auxiliary, or ancillary facilities without requiring a survey recommendation. The bill also allows a district school board to adopt a resolution through a majority vote, rather than a supermajority vote, to implement exceptions to the educational facilities construction requirements, and removes the requirement that the board conduct a cost-benefit analysis prior to voting on the resolution.

The bill provides that a school district may not exceed the cost per student station limits established by law when using state funds for new construction; however this limitation does not apply to local funds. The bill also specifies that the commissioner's ability to withhold capital outlay funds as a result of a school district's facility needs survey applies only to general revenue funds or state trust funds.

The bill requires the Office of Economic and Demographic Research (EDR),<sup>119</sup> in conjunction with the DOE, to review and revise the cost per student station limits to reflect actual construction costs by December 1, 2019, and subsequently every three years, and to select an industry-recognized construction index to replace the currently-used Consumer Price Index, to be adjusted annually. The revised cost per student station limits must be used by the DOE for computation of the statewide average cost per student station for each instructional level.

The bill amends s. 1013.64, F.S., to eliminate restrictions and sanctions on district school boards related to educational facilities construction. Specifically, the bill removes the requirements for the DOE to make the final determination on district compliance with the cost per student station limits along with the sanctions imposed on school districts for violating the cost per student station limits. The bill also removes the prohibition on district school boards from using funds from any sources for new construction of educational plant space with a total cost per student station in excess of the current limits specified in law. Furthermore, the bill revises the components of the cost per student station calculation to include offsite improvement costs, the cost of complying with public shelter and hurricane hardening requirements, security enhancements, and capital construction items that are approved by the school safety specialist. The inclusion of the additional components is aimed at ensuring that the recommended appropriation will be sufficient to construct a new school.

The bill amends s. 1013.64, F.S., to modify the criteria that must be met by a school district to have their funding request considered by the Special Facility Construction Committee. Specifically, the bill allows districts to apply for funding based on the district school board approval of Phase I plans, instead of the Phase III plans, as being in compliance with the building

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<sup>119</sup> The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with forecasting economic and social trends that affect policy making, revenues, and appropriations. Office of Economic and Demographic Research, *Welcome*, <http://edr.state.fl.us/Content/> (last visited Feb. 28, 2019).

and life safety codes. The modification will allow school districts to receive a response to their request for funding prior to further investment in Phase II and Phase III plans.

### **School Improvement and School of Hope Program Awards for Traditional Public Schools**

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

##### School Improvement

Current law designates any school receiving a grade of “D” or “F” as a school in need of intervention and support.<sup>120</sup> In the first school year after a school earns two consecutive grades of “D” or a grade of “F,” the school district must immediately implement intervention and support strategies.<sup>121</sup> The intervention and support strategies must address student performance and may include improvement planning; leadership quality improvement; educator quality improvement; professional development; curriculum review, pacing, and alignment across grade levels; and the use of continuous improvement and monitoring plans and processes.<sup>122</sup>

The school district must submit a district-managed turnaround plan for approval by the SBE.<sup>123</sup> The school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year.<sup>124</sup> A school that does not improve to a grade of “C” or higher following the implementation of the district-managed turnaround plan must either close and reassign the students, close and reopen as a charter school, or contract with an outside entity to operate the school.<sup>125</sup>

##### Schools of Hope Program Awards for Traditional Public Schools

A traditional public school that is required to submit an initial turnaround plan for implementation under current law<sup>126</sup> is eligible to receive additional funding from the Schools of Hope Program based on the strength of the school’s plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships.<sup>127</sup> A maximum of 25 schools may be awarded up to \$2,000 per FTE student. The SBE evaluates the turnaround plans and determines which of the eligible schools will receive an award.<sup>128</sup>

In the 2017-2018 academic year, 25 traditional public schools were approved by the SBE to receive a Schools of Hope Program award. In the 2018-2019 academic year, 14 traditional public schools were approved by the SBE to receive a School of Hope Program award.<sup>129</sup>

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<sup>120</sup> Section 1008.33(3)(b), F.S.

<sup>121</sup> Section 1008.33(4)(a), F.S.

<sup>122</sup> Section 1008.33(3)(c), F.S.

<sup>123</sup> Section 1008.33(4)(a), F.S.

<sup>124</sup> *Id.*

<sup>125</sup> Section 1008.33(4)(b), F.S.

<sup>126</sup> Section 1008.33(4), F.S.

<sup>127</sup> Section 1002.333(10)(b), F.S.

<sup>128</sup> Section 1002.333(10)(c), F.S.

<sup>129</sup> Florida Department of Education, *Schools of Hope Traditional Public Schools Grant*, Presentation to House Education Committee on Feb. 12, 2019, available at

The bill amends s. 1002.333, F.S., and expands the definition of a persistently low-performing school to three grades below a “C” in last five years, unless the school has earned a “B” or higher in the most recent two years.

### *Effect of Proposed Changes*

The bill removes the Schools of Hope Program awards for traditional public schools. The bill subsequently creates a new categorical program, the Turnaround School Supplemental Services Allocation (allocation), within the FEFP. The allocation provides funding to schools in, or exiting, turnaround status as provided under current law. The allocation provides schools with \$500 per-FTE, or as otherwise provided in the GAA, to offer services designed to improve the overall academic and community welfare of the school’s students and families. The services may include, but are not limited to:

- An extended school day or school year;
- Tutorial or after-school programs;
- Student and parent counseling; and
- Models that encourage students to complete high school and attend postsecondary education or training, set high academic expectations, and inspire character development.

Before receiving the allocation, a school district must annually submit a plan for implementation to the district school board. The bill requires the plan to include descriptions of specified academic and support services. The plan must be submitted to the district school board by August 1, and to the Commissioner of Education by September 1.

Schools implementing a turnaround option may receive funding from the allocation for a maximum of four continuous fiscal years. A school that exits turnaround with a grade of “C” or higher will remain eligible to receive the allocation for a maximum of two continuous fiscal years after exiting turnaround status.

The bill authorizes a school district, under the Turnaround School Supplemental Services Allocation, to enter into a formal agreement with a 501(c)(3) non-profit organization to implement an integrated student support service model that provides students and families with access to wrap-around services.

The bill also provides that a School of Hope may receive funds until the school reaches full enrollment as defined in their charter. In addition, they may also use state funds for costs associated with initial leasing of a facility. However, recoverable assets revert to the district school board if the School of Hope is dissolved or otherwise terminated.

## Community Schools

### *Present Situation*

A community school is both a physical place as well as a set of partnerships between a school and other community resources.<sup>130</sup> Community Partnership Schools (CPS) is a community school model in which four community partners – a school district, a university or college, a nonprofit organization, or a health care provider – commit to a long term partnership to establish, develop and sustain a CPS. The primary commitment of core partners is to work together to address student needs and offer any available social or institutional resources to help meet those needs.<sup>131</sup>

In 2010, the University of Central Florida (UCF) and the Children’s Home Society of Florida developed the first community school of its kind. As a result of increasing demand, UCF founded the Center for Community Schools in 2014 to provide technical assistance, procure legislative funding, as well as provide structure and fidelity to the program.<sup>132</sup> As of February 2019 there are 17 Community Schools across the state.<sup>133</sup>

### Establishment

In order to establish a CPS, a school system must identify core partners with sufficient resources that are willing to commit, often through a memorandum of understanding, to support the endeavor for a minimum of 25 years.

In addition, each school system wishing to establish a CPS must develop its own sustainability plan, conduct a community assessment, and provide a 25 percent local match in funds or in-kind services. The majority of CPS resources are provided by the core partners and community organizations already funded to provide the services.<sup>134</sup>

In addition, in order to become a partner, interested initiatives must submit an application that is reviewed by a grants committee, which evaluates the application based on specified criteria.<sup>135</sup>

Once a school implements the CPS standards and successfully operates for a full year, the school is eligible to become a University of Central Florida – Community Partnership School (UCF-CPS). A UCF-CPS school must demonstrate appropriate alignment with the core components of the model and reach implementation benchmarks on 12 different standards.<sup>136</sup> Once the school has become a UCF-CPS, the school is eligible to receive CPS development technical assistance

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<sup>130</sup> Community resources include facilities, volunteers, interns, in-kind donations, on-site programs and services.

<sup>131</sup> See University of Central Florida, Center for Community Schools, *Community Partnership Schools Model*, (2019) available at

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting Packets&FileName=pki 2-7-19.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting%20Packets&FileName=pki%202-7-19.pdf) at 8-12.

<sup>132</sup> *Id.* at 42.

<sup>133</sup> *Id.* at 35.

<sup>134</sup> *Id.* at 16.

<sup>135</sup> The Criteria for evaluation include need, partner commitment, partner capacity, project goals, and a diversified budget. *Id.*

<sup>136</sup> 1) Partnership 2) Governance, Structure and Leadership 3) Foundational Principles 4) Staffing 5) Integrated Community School Framework 6) After-school Programs and Services 7) Comprehensive Wellness Services 8) Parent and Community Involvement 9) Volunteering 10) School Climate 11) Evaluation 12) Sustainability. *Id.* at 49.

and apply for available planning or implementation grants.<sup>137</sup> Schools that do not reach certification status are provided with on-going support and may annually reapply for certification. Schools that reach certification status must re-certify every three years.<sup>138</sup>

### Funding and impact

In Fiscal Year 2018-2019, the Legislature appropriated \$1.4 million to support nine Community Partnership Schools serving 8,508 students. Between July and December 2018, activities and services at these schools included:<sup>139</sup>

- 1,572 students participating in 61,689 hours of enrichment programming;
- 1,682 students receiving 26,260 hours of academic support or tutoring;
- Families and the community contributing 14,964 volunteer hours and 3,663 mentor hours;
- 1,096 students receiving dental services;
- 1,360 students receiving eye care or vision services; and
- 273 students receiving medical services.

### *Effect of Proposed Changes*

#### Community School Grant Program

The bill creates s. 1003.64, F.S., establishing the Community School Grant Program (program) to fund and support the planning and implementation of community school programs. The program is intended to improve student success and well-being by engaging and supporting parents and community organizations in their effort to positively impact student learning and development.

The bill specifies that a community school model is a school service model developed by the Center for Community Schools at the University of Central Florida (center) which utilizes long-term partnerships among a school district, community organization, a university or college, and a health care provider to implement programs, beyond the standard hours of instruction, which must include but are not limited to:

- Expanded learning opportunities
- Support for students; and
- Family engagement.

Contingent upon available funds, the bill provides that the center may facilitate its community school model in the state through grants that enable community organizations to establish long-term partnerships and secure resources for planning, staffing, and providing services to students and families through the community school model.

The center must:

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<sup>137</sup> See University of Central Florida, Center for Community Schools, *Community Partnership Schools Model*, (2019) available at

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting Packets&FileName=pki 2-7-19.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3017&Session=2019&DocumentType=Meeting%20Packets&FileName=pki%202-7-19.pdf) at 49.

<sup>138</sup> *Id.* at 36.

<sup>139</sup> *Id.* at 37.

- Require a participating public school to establish long-term partnerships through a memorandum of understanding.
- Prioritize awards based on demonstration of the technical and financial ability to sustain the community school model beyond an initial grant award

### Reporting Requirements

The bill establishes reporting requirements that specify that the center by September 1, 2020, and annually thereafter must publish on its website information on each community organization receiving a grant from the center to implement the community school model. The information must include:

- The amount of grant funds provided through the center for each participating school and the amount of matching funds provided by the community organization for each year the community organization has received a grant for that school
- The long-term partnerships that have entered into a memorandum of understanding for implementing the community school model.
- A description of the services and community engagement activities provided through the community school model
- The academic progress of students enrolled at the public school, including student progression data, attendance, behavior, student achievement and learning gains on statewide, standardized assessments.

The program may help to expand the number of community schools to improve participating students' wellness needs and students' performance outcomes. In addition, such reporting requirements may help provide accountability, and guide the legislature to identify the benefits of the program.

## **Hope Scholarship Program**

### *Present Situation*

The Hope Scholarship Program was established in 2018<sup>140</sup> to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, harassment, assault, threat, intimidation, or fighting at school, as defined by the DOE, with the option to transfer the student to another public school or a scholarship to attend an eligible private school.<sup>141</sup>

Scholarships are awarded on a first-come, first-served basis based upon available funds. For Fiscal Year 2018-2019, eligible SFOs have collected over \$18.5 million.<sup>142</sup> The Hope scholarship awarded to a student enrolled in an eligible private school is determined as a percentage of the unweighted FTE funding amount for that fiscal year as follows:

- 88 percent for a student enrolled in kindergarten through grade 5,
- 92 percent for a student enrolled in grade 6 through grade 8, and

<sup>140</sup> Section 16, ch. 2018-6, L.O.F.

<sup>141</sup> Section 1002.40(1), F.S.

<sup>142</sup> February 20, 2019, email from Step Up for Students.

- 96 percent for a student enrolled in grade 9 through grade 12.<sup>143</sup>

To date, there have been 166 applications and a total of 91 students awarded the scholarship.<sup>144</sup>

### *Effect of Proposed Change*

The bill specifies that the award amount for the Hope Scholarship Program (HSP) will be set at 95% of the unweighted FTE amount at the district average. An eligible SFO may use three percent of eligible contributions for total scholarship awards and may carryforward up to five percent of unused contributions with the remaining dollars transferred to other SFOs and or used for the Florida Tax Credit Scholarships.

## **Charter School Liability**

### *Present Situation*

Charter schools are public schools that operate under a performance contract with a sponsor.<sup>145</sup> The performance contract is called a ‘charter.’ A district school board or a state university may sponsor a charter school.<sup>146</sup> A charter school that employs at least 15 employees falls within the definition of an “employer” in the federal Equal Employment Opportunities Law.<sup>147</sup> The terms and conditions for the operation of a charter school must be set forth by the sponsor and the charter school applicant in a standard charter contract adopted by the State Board of Education.<sup>148</sup> The standard contract requires a charter school to obtain Errors and Omissions insurance coverage for acts related to civil rights and employment discrimination.<sup>149</sup> A charter school is authorized to contract with the district school board to obtain services of a district school board employee.<sup>150</sup> Absent such an agreement, an employee of a charter school is not an employee of a district school board.<sup>151</sup> Even where a school board performs the ministerial act of administering the payroll for charter school employees, the charter school remains the responsible employer.<sup>152</sup>

A sponsor is not liable for any civil damages under state law for personal injury, property damage, or death, or any employment actions resulting from an act or omission of an officer, employee, agent, or governing body of a charter school.<sup>153</sup> A valid federal civil rights action may proceed against a charter school sponsored by a district school board.<sup>154</sup> The law is silent on whether a sponsor may be held liable for any civil damages under federal law for any actions taken by an officer, employee, agent, or governing body of a charter school.

<sup>143</sup> Section 1002.40(11), F.S.

<sup>144</sup> Presentation to the Committee on Education, The Florida Senate (Feb. 5, 2019), Step Up For Students, *available at* [http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket\\_4388.pdf](http://www.flsenate.gov/PublishedContent/Committees/2018-2020/ED/MeetingRecords/MeetingPacket_4388.pdf) at 80.

<sup>145</sup> Section 1002.33(7), F.S.

<sup>146</sup> Section 1002.33(5), F.S.

<sup>147</sup> See 42 U.S.C.A. § 2000e.

<sup>148</sup> Section 1002.33(7), F.S.; see also Rule 6A-6.0786, F.A.C. (Form IEPC-SC).

<sup>149</sup> Rule 6A-6.0786, F.A.C. (s. 8, Form IEPC-SC).

<sup>150</sup> Section 1002.33(12), F.S.

<sup>151</sup> See s. 1002.33(12)(a), F.S.

<sup>152</sup> See *Gregory R. Lulkoski v. First Coast Technical College*, Case No. 17-2385 at 5, 20 (Fla. DOAH September 5, 2018).

<sup>153</sup> Section 1002.33(5)(b)1.g. and h., F.S.

<sup>154</sup> See *Brown v. Jenne*, 941 So. 2d 447, 451 (Fla. 4th DCA 2006)

***Effect of Proposed Changes***

The bill clarifies that a charter between the sponsor and charter school may include a provision requiring the charter school be held responsible for costs incurred by the school district associated with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

The bill takes effect July 1, 2019, except as otherwise expressly provided.

**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:**

Only one state school choice scholarship program - the Opportunity Scholarship Program has been successfully challenged on constitutional adequacy and no aid grounds.<sup>155</sup> Aside from the Opportunity Scholarship Program, no other Florida school choice scholarship program has been declared unconstitutional. The general constitutional challenges have been brought under the state constitutional provisions governing the adequacy of the public education system<sup>156</sup> and the no aid provision.<sup>157</sup>

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

None.

<sup>155</sup> See *Bush v. Holmes*, 886 So.2d 340 (Fla. 1st DCA 2004), *affirmed on other grounds*, 919 So.2d 392 (Fla. 2006).

<sup>156</sup> Article IX, s. 1, Fla. Const., providing that “[a]dequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people require.”

<sup>157</sup> Article I, s. 3., Fla. Const., providing that “[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

**B. Private Sector Impact:**

The Family Empowerment Scholarships may allow low-income families to send their children to private schools, which may not have been an affordable option previously.

The FTC Scholarship will be able to access up to 50 percent of the prior year balance of unspent revenue from the tax credit for motor vehicle purchases for the Hope Scholarship program, if the tax credit funding from other sources is insufficient to fund eligible students for the FTC Scholarship. This may increase the number of FTC Scholarship available for low-income families to send their children to private schools.

The bill reduces the costs of teacher certification exam retake fees, which may save prospective teachers money as they attempt to become certified.

The bill provides school districts with additional flexibility for constructing educational facilities, which may lead to additional school construction, benefitting the construction industry.

**C. Government Sector Impact:**

Funding for the Florida Best and Brightest Teacher and Principal Programs, the Turnaround School Supplemental Services Allocation, and the Community School Grants Program is subject to legislative appropriation. Funding for the Florida Empowerment Scholarship Program will be provided from the appropriation for the FEFP.

The requirement that the SBE reduce teacher certification examination fees for persons retaking certification examinations may reduce the revenue available to support examination development and certification activities.

The bill may enable school districts to proceed with additional school construction by disconnecting already-available local funds from the cost per student station limits and the need for a survey recommendation, thereby reducing costs for the DOE.

Accordingly, the bill has an indeterminate fiscal impact on state funds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 212.099, 212.1832, 1002.20, 1002.33, 1002.333, 1002.385, 1002.395, 1002.40, 1002.411, 1004.04, 1004.85,

1008.33, 1011.62, 1011.71, 1012.56, 1012.59, 1012.731, 1012.732, 1013.31, 1013.385, and 1013.64.

This bill creates the following sections of the Florida Statutes: 1002.394 and 1003.64.

## **IX. Additional Information:**

### **A. Committee Substitute – Statement of Substantial Changes:**

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

#### **CS by Appropriations on April 18, 2019:**

The committee substitute:

- Modifies the Schools of Hope Program by:
  - Adding language expanding definition of a persistently low-performing school
  - Allowing costs associated with initial leasing of a facility and specifies recoverable assets under certain circumstances.
- Modifies the Family Empowerment Scholarship Program by:
  - Retains administration of the scholarship by the DOE, but requires the SFO to conduct the income verification.
  - Increases the income eligibility threshold from 260% of the poverty level to 300% of the poverty level.
  - Prioritizes awards to students at or below 185% of the poverty level.
  - Increases enrollment cap from 15,000 to 18,000.
- Modifies the Hope Scholarship Program by:
  - Setting award at 95% of district average (same as FES).
  - Limiting scholarship-funding organizations (SFOs) to only carryforward 5% of unused contributions; remaining dollars transferred to other SFOs and/or used for Florida Tax Credit Scholarships (FTC).
  - Restructuring administrative fee as 3% of eligible contributions for total scholarships awarded (rather than GR).
- Modifies the Community School Grant Program by:
  - Creating new grant program but not established within DOE. Modifying reporting requirements.
- Modifies the Best and Brightest Teacher Principal Program by expanding recognition award (district discretion) to include teacher and instructional personnel rated as effective or highly effective.
- Modifies teacher certification by:
  - Requiring only classroom teachers to demonstrate mastery of general knowledge to earn the applicable educator certificate.
  - Authorizing 2-year extension to temporary certificate for teachers who can't pass the General Knowledge exam within first three years if the teacher:
    - Is rated as highly effective, or
    - Completes a 2-year mentorship program.
  - Adding requirements to teacher preparation programs including program completer and employer satisfaction surveys.
- Modifies the Gardiner Scholarship Program by removing the provision in law authorizing a separate appropriation for administrative fees for a SFO.

- Modifies the Florida Tax Credit Scholarship Program by:
  - Setting the award at 95 percent of district average and removing the sliding scale from 185 percent to 260 percent of poverty level.
  - Grandfathering in current FTC recipients at the current or revised award amount, whichever is higher.
  - Revising the transportation award (\$750) to allow use within the district
  - Authorizing the sales tax credit from car sales be used for FTC (Hope scholarships get first priority, then FTC).
  - Restructuring the administrative fee as 3 percent of eligible contributions for total scholarships awarded (all scholarship programs not just FTC).
- Makes the funding compression allocation within the FEFP permanent by removing expiration date.
- Removes the requirement that the federally-connected student supplement be prorated.
- Modifies virtual education contribution by including funds from the Beast and Brightest Teacher and Principal Allocation.
- Modifies educational facilities construction requirements by allowing a district school board to adopt a resolution through a majority vote, rather than a supermajority vote, to implement exception to the educational facilities construction requirements, and removes a requirement that demanded the board conduct a cost-benefit analysis prior to voting on the resolution.
- Modifies charter school liability by authorizing a charter to specify that a charter school will be liable for costs incurred by the school district associated with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.
- Modifies the criteria that must be met by a school district to have their funding request considered by the Special Facility Construction Committee. Specifically, the bill allows districts to apply for funding based on the district school board approval of Phase I plans, instead of the Phase III plans, as being in compliance with the building and life safety codes.
- Revises what components may be included in calculating the cost per student station to ensure that the recommended appropriation will be sufficient to construct a new school. Specifically, it includes in the calculation costs related to offsite improvement, the cost of complying with public shelter and hurricane hardening requirements, security enhancements, and capital construction items that are approved by the school safety specialist.

**B. Amendments:**

None.