

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 Education Pre-K -12

BILL: CS/SB 996

INTRODUCER: Education Pre-K - 12 Committee and Senator Burgess

SUBJECT: Education

DATE: February 1, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazesi	Bouck	ED	Fav/CS
2.		AED	
3.		FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 996 makes several changes to Florida's K-12 public schools and postsecondary institutions.

For Florida's K-12 public schools, the bill:

- Clarifies the process for students enrolled in an approved virtual instruction program provider or virtual charter school to participate in statewide, standardized assessments and assessments in the coordinated screening and progress monitoring system.
- Clarifies that it not necessary to make an annual application for exemption on property used to house a charter school.
- Creates the Purple Star School District program.
- Authorizes school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program.
- Authorizes alternate methods of communicating to parents regarding placement into a dropout prevention and academic intervention program.
- Prohibits school districts from identifying students as eligible to receive services through the dropout prevention and academic intervention program based solely on a student having a disability, and requires an academic intervention plan for each student enrolled in a dropout prevention and academic intervention program.
- Revises the deadlines for submission of turnaround plans and requirements under a turnaround option available to low performing schools and specifies the responsibilities of a

school district and charter school in implementing a turnaround plan for a public school reopening as a charter school.

- Provides that, beginning in the 2024-2025 school year, any changes made by the State Board of Education to components in the school grades model or to the school grading scale go into effect, at the earliest, in the following school year.
- Authorizes the Commissioner of Education to appoint and remove the executive director for the Education Practices Commission.
- Provides students in grades 11 and 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) and consult with a military recruiter during the school day.

For postsecondary institutions, the bill:

- Allows documentation of the homestead exemption as a single piece of evidence proving residency for tuition purposes.
- Repeals the Florida College System's employment equity and accountability program.
- Requires that dual enrollment articulation agreements include consideration of online courses.
- Transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009 -2010 to 2022-2023.
- Creates a new Associates of Arts (AA) specialized transfer degree for students who need additional credit above the 60 hours in preparation for transfer to a baccalaureate degree program.

The bill takes effect July 1, 2024.

II. Present Situation:

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

III. Effect of Proposed Changes:

Charter Schools

Present Situation

Charter schools are public schools that operate under a performance contract, or a “charter” which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school’s mission, program, goals, students served, methods of assessment and ways to measure success.¹ As part of the charter application to the sponsor, the charter school must disclose the name of each applicant, governing board member, and all proposed education services providers is included in the charter application.²

¹ Florida Department of Education, *FAQ, What are charter schools?*, <http://www.fl DOE.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited Jan. 30, 2024). See also 1002.33(7), F.S.

² Section 1002.33(6)(a)6., F.S.

In the 2022-23 school year, there were 726 charter schools in 46 Florida districts.³ Similar to traditional public schools, charter schools may use capital outlay funding on the purchase of real property, construction of school facilities and purchase, lease-purchase, or lease of permanent or relocatable school facilities.⁴ Charter schools are considered educational institutions⁵ within the state and property used by them for educational purposes are exempt from taxation.⁶ Unless waived by the county, persons or organizations eligible for a property tax exemption are required to file an application with the property appraiser on or before March 1 of each year in which the exemption is claimed.⁷ For charter schools, any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor⁸ and the charter school governing board is exempt from ad valorem taxes.⁹ For leasehold properties, the landlord must certify by affidavit to the charter school that the required payments under the lease, whether paid to the landlord or on behalf of the landlord to a third party, will be reduced to the extent of the exemption received.¹⁰

It is not necessary for an annual application for exemption to be filed for:¹¹

- Houses of public worship, the lots on which they are located, personal property located therein or thereon, parsonages, burial grounds and tombs owned by houses of public worship, individually owned burial rights not held for speculation, or other such property not rented or hired out for other than religious or educational purposes at any time.
- Household goods and personal effects of permanent residents of this state.
- Property of the state or any county, any municipality, any school district, or community college district thereof.

Effect of Proposed Changes

The bill amends s. 1002.33, F.S., to remove outdated language referencing “charter school owners.” Charter schools operate as not-for-profit organizations administered by a governing board, not an owner.

³ Florida Department of Education, *Florida's Charter Schools Fact Sheet*, <https://www.fl DOE.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf> (last visited Jan. 30, 2024).

⁴ Section 1013.62 (4), F.S.

⁵ Section 196.012(5), F.S. defines an educational institution as a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 1001.24, 1004.28, and 1004.70; facilities located on the property of eligible entities which will become owned by those entities on a date certain; and institutions of higher education, as defined under and participating in the Higher Educational Facilities Financing Act.

⁶ Section 196.198, F.S.

⁷ Section 196.011(1)(a), F.S.

⁸ Charter school sponsors include a district school board, a state university system, a Florida College System institution, a charter school-in-the-workplace, and a charter school in-a-municipality.

⁹ Section 196.1983, F.S., see also s.1002.33(18)(c), F.S. Section 192.001, defines ad valorem taxes as a tax based upon the assessed value of property, the term “property tax” may be used interchangeable with the term “ad valorem tax.”

¹⁰ Section 196.1983, F.S.

¹¹ Section 196.011(3), F.S.

The bill amends s.196.011, F.S., to prohibit counties from requiring any facility, or portion thereof, used to house a charter school from making an annual application for exemption on property. The bill requires that the owner or lessee notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes so as to change the exempt status of the property. If any owner or lessee fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner or lessee was not entitled to receive such exemption, the owner or lessee of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted.

The bill requires the property appraiser who is making the determination to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien and the property is subject to the payment of all taxes and penalties. The bill also requires that when the lien is filed it must be attached to any property, identified in the notice of tax lien, owned by the person or entity who illegally or improperly received the exemption. If such person or entity no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser is required to record a notice of tax lien in the other county or counties, identifying the property owned by such person or entity in such county or counties, and it becomes a lien against such property in such county or counties.

Virtual Schools

Present Situation

Virtual Instruction Programs

Virtual instruction programs are provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.¹² Each school district is required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.¹³ To provide students residing within the school district the option of participating in virtual instruction programs, a school district may:¹⁴

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

¹² Section 1002.45(1)(a)3., F.S.

¹³ Section 1002.45(1)(b)1., F.S.

¹⁴ Section 1002.45(1)(c), F.S.

The Department of Education is required to annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs.¹⁵

Students enrolled in a school district's virtual instruction program must participate in statewide assessments and participate in the coordinated screening and progress monitoring system.¹⁶ Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract¹⁷ with a qualified contractor to administer and proctor statewide, standardized assessments.¹⁸ If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.¹⁹

Statewide Assessments and the Coordinated Screening and Program Monitoring

Florida's statewide, standardized assessments measure the extent to which students have mastered the state academic standards. Florida and federal law require that all public school students participate in statewide, standardized English Language Arts (ELA) and Mathematics assessments at least annually beginning in the 3rd grade,²⁰ and a science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.²¹ Students must also participate in statewide, standardized end-of-course (EOC) assessments in Algebra I, Geometry, Biology I, Civics, and U.S. History.²²

All Voluntary Prekindergarten (VPK) providers and public schools in Florida are required to participate in a coordinated screening and progress monitoring system (CSPM) for students in VPK through grade 8 in mathematics and VPK through grade 10 in ELA.²³ The CSPM is administered three times a year. The end-of-year comprehensive progress monitoring assessment administered to students is considered the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.²⁴

Effect of Proposed Changes

The bill amends section 1002.45, F.S., to clarify the process for students enrolled in an approved virtual instruction program provider or virtual charter school to participate in all statewide standardized assessments and in the coordinated screening and progress monitoring system. The bill requires that the virtual instruction program provider or virtual charter school provide the school district a list of students to be tested, which includes student names, Florida Education Identifiers, grade levels, assessments to be administered and contact information. Additionally,

¹⁵ Section 1002.45(2)(a), F.S.

¹⁶ Section 1002.45(5)(b), F.S.

¹⁷ Section 1008.24(3), F.S. School district may contract with qualified contractors to administer and proctor statewide, standardized assessments.

¹⁸ Section 1002.45(5), F.S.

¹⁹ *Id.*

²⁰ Section 1008.22(3), F.S.; 20 U.S.C. s. 6311(2)(b)(v)(II).

²¹ *Id.*

²² Section 1008.22(3)(b), F.S.

²³ Section 1008.25, (9) F.S.

²⁴ Section 1008.22(3)(a) and (b), F.S; Rule 6A-1.09422(4), F.A.C. The State Board of Education establishes three test administration windows for the CSPM, and districts can select the dates within each window to administer the assessments.

the bill requires that, unless an alternative testing site is agreed upon, all assessments must be taken at the school to which the student would be assigned according to the district school board attendance areas. Finally, the bill requires school districts to provide the student with access to the school or district testing facilities and the date and time of the administration of each statewide assessment.

Armed Services Vocational Aptitude Battery

Present Situation

School districts in Florida are required to grant military recruiters of the United States Armed Forces and United States Department of Homeland Security the same access to secondary school students, and to school facilities and grounds, that the district grants to postsecondary educational institutions or prospective employers of students.²⁵ School districts are required to allow a student attending a public high school in the district to enroll in the Junior Reserve Officers' Training Corps at another public high school in the district unless:²⁶

- The student's school offers the Junior Reserve Officers' Training Corps for any branch of the United States Armed Forces or United States Department of Homeland Security.
- The student does not meet the Junior Reserve Officers' Training Corps' minimum enrollment qualifications.
- Scheduling of the student's courses of study does not allow the student to attend the Junior Reserve Officers' Training Corps at another public high school in the district.

The Armed Services Vocational Aptitude Battery (ASVAB) is a multiple-aptitude battery that measures developed abilities and helps predict future academic and occupational success in the military.²⁷ It is administered annually to more than one million military applicants, high school, and post-secondary students.²⁸ Most ASVAB testing is currently conducted at a Military Entrance Process Station. The ASVAB is administered tests via computer-based and paper-based and are designed to measure aptitudes in four domains:²⁹

- Verbal.
- Math.
- Science.
- Technical.

Each branch of the military has different standards. The minimum scores each branch of the military requires depends on whether a potential recruit has a high school diploma or a high school equivalency diploma (GED). Those students with a GED need a higher Armed Forces Qualification Test (AFQT) score than students with a high school diploma. An AFQT score of 60 indicates that the examinee scored as well as or better than 60 percent of the nationally

²⁵ Section 1003.451(3)(a), F.S.

²⁶ Section 1003.451(2)(a)1.-3., F.S.

²⁷ Armed Services Vocational Aptitude Battery (ASVAB), *What is the ASVAB*, <https://www.officialasvab.com/>, (last visited Jan. 31, 2024).

²⁸ *Id.*

²⁹ Armed Services Vocational Aptitude Battery, *ASVAB Fact Sheet*, https://www.officialasvab.com/wp-content/uploads/2023/06/ASVAB-Fact_Sheet.pdf, (last visited Jan. 31, 2024). Examinees are given 198 minutes to complete the computer version of the ASVAB and examinees are given 225 minutes to complete the paper-based version of the ASVAB.

representative sample. For high school graduates earning a diploma, the requirements by military branch are as follows:³⁰

- Air Force recruits are required to have a minimum AFQT score of 31.
- Army recruits are required to have a minimum AFQT score of 31.
- Coast Guard recruits are required to have a minimum AFQT score of 36.
- Marine recruits are required to have a minimum AFQT score of 31.
- National Guard recruits are required to have a minimum AFQT score of 31.
- Navy recruits are required to have a minimum AFQT score of 31.

AFQT scores are divided into five categories:³¹

- Category I - 93-99.
- Category II - 65-92.
- Category IIIa - 50-64.
- Category IIIb - 31-49.
- Category IVa - 21-30.
- Category IVb - 16-20.
- Category IVc - 10-15.
- Category V - 1-9.

The school grading formula for high schools was modified to include the percentage of students who earned an AFQT score that falls within Category II or higher on the ASVAB and earned a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.³²

Effect of Proposed Changes

The bill amends s. 1003.451, F.S., to require school districts and charter schools to provide students in grades 11 and 12 an opportunity to take the ASVAB and consult with a military recruiter if the student selects. The bill requires that if a student in grade 11 and 12 chooses to take the ASVAB, the ASVAB must be scheduled during normal school hours.

Purple Star School Districts

Present Situation

In 2021, the Legislature established Purple Star Campuses to identify schools that demonstrate a commitment to or provide critical transition supports for military-connected families.³³ For a school to earn a Purple Star School Distinction the school must:³⁴

- Designate a staff member as a military liaison.
- Maintain a web page on the school's website which includes resources for military students and their families.

³⁰ Official ASVAB, *Enlistment Eligibility*, <https://www.officialasvab.com/applicants/enlistment-eligibility> (last visited Jan. 21, 2024).

³¹ *Id.*

³² Chapter 2020-75, s. 2, Laws of Fla. *See also* s. 1008.34(3)(b)2., F.S.

³³ Chapter 2021-65, s. 1, Laws of Fla.

³⁴ Section 1003.051(2), F.S.

- Maintain a student-led transition program that assists military students in transitioning into the school.
- Offer professional development training opportunities for staff members on issues relating to military students.
- Reserve at least five percent of controlled open enrollment seats for military students.
- Complete at least three of the following activities to support military families:³⁵
 - The school hosts at least one of the following annual military recognition events: Month of the Military Child, Month of the Military Family, Purple-Up! For Military Kids, Veteran's Day, Memorial Day.
 - The district school board where the school is located, or governing board in the case of a charter or private school, issues a resolution publicizing support for military students and families.
 - The school partners with one or more military school liaison officer(s) to provide opportunities for active-duty parents to volunteer at the school.
 - The school maintains a public display recognizing service members, veterans, or military students and families.
 - The school participates in a service project that connects the school with the military community, such as adopt-a-school, sending letters or care packages to deployed troops, or Yellow Ribbon events.
 - The school offers the Junior Reserve Officers' Training Corps (JROTC) program.

Once awarded, schools maintain their designation as a Purple Star School of Distinction for three school years.³⁶ Seventy-three schools completed all of the requirements to earn the Purple Star School of Distinction Designation from the 2023-2024 school year through the 2025-2026 school year.³⁷ One hundred and twenty-four schools completed all of requirements to earn the Purple Star School of Distinction Designation from the 2023-2024 school year through the 2025-2026 school year.³⁸

Effect of Proposed Changes

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

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

The bill authorizes the DOE to establish additional criteria to identify school districts that demonstrate a commitment to or provide critical coordination of services for military-connected families, such as establishing a council consisting of a representative from each Purple Star

³⁵ Rule 6A-1.0999, F.A.C.

³⁶ *Id.*

³⁷ Florida Department of Education, *Purple Star School of Distinction Designation*, <https://www.fl DOE.org/schools/family-community/activities-programs/parental-involvement/purple-star.shtml>, (last visited Jan. 26, 2024).

³⁸ *Id.*

School of Distinction in the school district and one school district-level representative to ensure alignment of military student-focused policies and procedures within the school district.

Dropout Prevention and Academic Intervention

Present Situation

Dropout Prevention and Academic Intervention

Dropout prevention and academic intervention programs can differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.³⁹ Students in grades 1-12 are eligible for dropout prevention and academic intervention programs. Eligible students are reported in the appropriate basic cost factor in the Florida Education Finance Program. The strategies and supports provided to eligible students are funded through the General Appropriations Act (GAA) and may include, but are not limited to, those services identified on the student's academic intervention plan.⁴⁰

District school boards are required to establish course standards for dropout prevention and academic intervention programs and procedures for ensuring that teachers assigned to the programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of these students.⁴¹

District school boards receiving state funding for dropout prevention and academic intervention programs through the GAA are required to submit information through an annual report to the Department of Education's (DOE) database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate. The DOE compiles the information into an annual report which is submitted to the presiding officers of the Legislature by February 15.⁴²

A student is identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:⁴³

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

³⁹ Section 1003.53, (1)(a), F.S.

⁴⁰ Section 1003.53, (1)(b), F.S.

⁴¹ Section 1003.53, (4), F.S. *See also* Rule 6A-6.0521, F.A.C.

⁴² 1003.53, (3), F.S.

⁴³ Section 1003.53, (1)(b), F.S.

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

The school principal or his or her designee is required, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student's parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice.⁴⁴

Effect of Proposed Changes

The bill amends s. 1003.53, F.S., to authorize school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program. The bill authorizes a district school board to adopt a policy that allows a parent to agree to an alternative method of notification regarding a student's placement in a dropout prevention program or a suspension. The bill authorizes the agreement to be made before the need for the notification arises or at the time the notification is required.

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

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

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

⁴⁴ Section 1003.53(5), F.S.

Instructional Materials

Present Situation

Instructional Materials

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process through evaluation of materials submitted by publishers and manufacturers.⁴⁵ Expert reviewers chosen by the DOE must objectively evaluate materials based on alignment to Florida's state-adopted standards, accuracy, and appropriateness for age and grade level.⁴⁶ Based on reviewer recommendations of materials that are "suitable, usable, and desirable," the Commissioner of Education (commissioner) then selects and adopts instructional materials for each grade and subject under consideration.⁴⁷ Currently, there is not a required timeline for DOE to adopt or publish a list of adopted instructional materials, often leading to the overlapping of the state-level adoption and district-level adoption of instructional materials. The DOE must provide training to instructional materials reviewers on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.⁴⁸

Instructional materials publishers and manufacturers, as a part of both state and local approval processes, must electronically deliver to the DOE fully developed sample copies of all instructional materials to support the materials bids.⁴⁹

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.⁵⁰ State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers by which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.⁵¹

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:⁵²

- Initial Teacher Preparation programs in public and private colleges and universities requiring candidates to demonstrate mastery of subject area knowledge in one or more specific subject

⁴⁵ Section 1006.34(1), F.S.

⁴⁶ Section 1006.31, F.S.

⁴⁷ Section 1006.34(2)(a), F.S. Generally, the commissioner adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision. Section 1006.36(1), F.S.

⁴⁸ Section 1006.29(5), F.S.

⁴⁹ Section 1006.38(2), F.S.

⁵⁰ Section 1004.04(1)(b), F.S.

⁵¹ See Florida Department of Education (DOE), *Professional Development in Florida*, <http://www.fl doe.org/teaching/professional-dev/> (last visited Jan 17, 2024). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

⁵² Florida DOE, *Educator Preparation*, <http://www.fl doe.org/teaching/preparation> (last visited Jan. 17, 2024). See also rule 6A-5.066, F.A.C.

- areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.⁵³
- Educator Preparation Institutes (EPIs) offering alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence.
 - District professional development certification and education competency programs. Such programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.⁵⁴ In addition to completing the district program, candidates must demonstrate mastery of general knowledge⁵⁵ and subject area knowledge.⁵⁶

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

Effect of Proposed Changes

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

School Improvement and School Grades

Present Situation

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.⁵⁸ School grades are also used to determine whether a school

⁵³ Rule 6A-5.066(1)(r), F.A.C.

⁵⁴ Section 1012.56(8)(a), F.S. There are 77 such programs in Florida. Florida Department of Education. *State-Approved Educator Preparation Programs, Approved Add-on Programs*, <https://www.fl DOE.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited Jan. 18, 2024).

⁵⁵ See Florida DOE, *General Knowledge*, <https://www.fl DOE.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited Jan. 17, 2024).

⁵⁶ Florida DOE, *Subject Area Knowledge*, <https://www.fl DOE.org/teaching/certification/general-cert-requirements/subject-area-knowledge.shtml> (last visited Jan. 17, 2024).

⁵⁷ Florida Department of Education. *State-Approved Educator Preparation Programs, Colleges/Universities*, <https://www.fl DOE.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited Jan. 18, 2024).

⁵⁸ Section 1008.34(1), F.S.

must select or implement a turnaround option⁵⁹ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁶⁰

Elementary, middle and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁶¹ Combination school models include the additional components for the grades served (*e.g.*, a school serving grades k-12 would include the additional components for the middle and high school models). Each school must receive a school grade based on the school's performance on the following components:⁶²

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized ELA assessments.
- For schools comprised of grade levels that include grade 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9-12, or 10-12 the school's grade is based on the following components:⁶³

- The 4-year high school graduation rate of the school.
- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in Junior Reserve Officers' Training Corps courses and earn a qualifying score on the Armed Services Vocational Aptitude Battery.

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.⁶⁴

⁵⁹ See s. 1008.33(4), F.S.

⁶⁰ See s. 1008.36, F.S.

⁶¹ See s. 1008.34(3)(b), F.S.; See also Rule 6A-1.09981(4)(a)-(c), F.A.C.

⁶² Section 1008.34(3)(b)1.a.-j., F.S.

⁶³ Section 1008.34(3)(b)2., F.S.

⁶⁴ Section 1008.34(3)(c)1., F.S.

School Improvement

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.⁶⁵ Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."⁶⁶ Upon receipt of its first grade of "D," a school is considered a Tier I SI school in need of support and intervention from the school district.⁶⁷ Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of "D" or a grade of "F."⁶⁸

Schools that earn two consecutive grades of "D" or a grade of "F" must also implement a two-year district-managed turnaround plan.⁶⁹ The school district is required to submit:

- By September 1, the memorandum of understanding negotiated with the school district teacher union under an educational emergency.⁷⁰
- By October 1, district-managed turnaround plan to the State Board of Education (SBE) for approval.⁷¹

The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and a summer program for SBE approval. A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a turnaround plan for approval by the SBE.⁷²

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school's grade does not improve to a "C" or higher after the second year, the school must select from the following turnaround options:⁷³

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

⁶⁵ Section 1008.33(2)(b) and (4), F.S.; see rule 6A-1.099811, F.A.C. School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

⁶⁶ Section 1008.33(3)(b), F.S.

⁶⁷ Rule 6A-1.099811(3)(a), F.A.C.

⁶⁸ Section 1008.33(4)(a), F.S.

⁶⁹ Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

⁷⁰ Section 1001.42 (21), F.S. To free schools with a school grade of "D" or "F" from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address the selection, placement, compensation, and expectations of instructional personnel and provide principals with autonomy.

⁷¹ Section 1008.33(4)(a), F.S.

⁷² Section 1008.33(4)(a), F.S.

⁷³ Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.⁷⁴

In the 2023-24 school year, there were 31 schools implementing a district-managed turnaround plan, one school implementing the charter school turnaround option, and one school implementing the external operator school turnaround option.⁷⁵

Effect of Proposed Changes

The bill amends s. 1008.34, F.S., to require that beginning in the 2024-2025 school year, that if the SBE makes any changes to the school grades model or scale that the changes may not go into effect until the following school year, at the earliest.

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

The bill requires that, beginning in the 2025-2026 school year, a school that has received an initial grade of “F” or a second consecutive grade of “D” must provide the Department of Education (DOE) the district-managed turnaround plan and memorandum of understanding to the DOE by August, instead of the current dates of October 1 and September 1, respectively. The bill requires that the plan must include measureable academic benchmarks that put the school on a path to earning and maintaining a grade of “C” or higher.

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

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

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

⁷⁴ Section 1008.33(4)(a), F.S.

⁷⁵ Email, Florida Department of Education (Dec. 12, 2023).

Finally, the bill requires the SBE to adopt a standard charter school turnaround contract, standard facility lease, and mutual management agreement.

Dual Enrollment Programs

The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.⁷⁶ District school boards may not refuse to enter into a dual enrollment articulation⁷⁷ agreement with a local Florida College System (FCS) institution if that FCS institution has the capacity to offer dual enrollment courses. Additionally, each district school superintendent and each public postsecondary institution president is required to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.

The district superintendent and FCS institution president must establish an articulation committee for the purpose of developing an articulation agreement.⁷⁸ The dual enrollment articulation agreement must be completed and submitted annually by the postsecondary institution to the Department of Education on or before August 1. The agreement must include, but is not limited to:⁷⁹

- A description of the process by which students and their parents are informed about opportunities for student participation in the dual enrollment program.
- A delineation of courses and programs available to students eligible to participate in dual enrollment.
- Funding provision that delineates costs incurred by each entity.
- A description of the process by which students and their parents exercise options to participate in the dual enrollment program.
- A list of any additional initial student eligibility requirements for participation in the dual enrollment program.
- A delineation of the high school credit earned for the passage of each dual enrollment course.

Students who are enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that meets certain conditions and provides a secondary curriculum are eligible for dual enrollment, if they meet certain academic requirements.⁸⁰ Eligible students may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.⁸¹ In the 2022-2023 school year, 79,208 students were enrolled in a dual enrollment course.⁸²

⁷⁶ Section 1007.271(1) F.S.

⁷⁷ Section 1000.21(1), F.S. defines articulation as a systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.

⁷⁸ Section 1007.271(21) F.S.

⁷⁹ *Id.*

⁸⁰ Section 1007.271(2), F.S.

⁸¹ *Id.*

⁸² Florida Department of Education, *Know Your School Portal*,

<https://edudata.fl DOE.org/ReportCards/Schools.html?school=0000&district=00>, (last visited Jan. 31, 2024).

Effect of Proposed Changes

The bill amends s. 1007.217, F.S., to require that district school boards must make reasonable efforts to enter into dual enrollment articulation agreements with an FCS institution that offers online dual enrollment courses.

Working Students

Present Situation

Nationally, about 74 percent of part-time undergraduate students and 40 percent of full-time students in the United States were employed in 2020, according to the most recent data from the National Center for Education Statistics.⁸³ Being employed can help a student pay for classes and other living expenses; it can also be associated, either positively or negatively, with a student's academic performance.⁸⁴

Overall, the percentages of undergraduates who worked at least 20 hours per week were higher for part-time students than for full-time students. Specifically, 40 percent of part-time students worked 35 or more hours, compared with 10 percent of full-time students. Additionally, 26 percent of part-time students worked 20 to 34 hours per week, compared with 15 percent of full-time students. In contrast, the percentages of undergraduates who worked less than 20 hours per week were higher for full-time students than for part-time students. Three percent of full-time undergraduates were employed less than 10 hours per week, and 9 percent were employed 10 to 19 hours per week. In comparison, 1 percent of part-time students were employed less than 10 hours per week and 6 percent were employed 10 to 19 hours per week.⁸⁵

Foreign Country of Concern

Under Florida statute, a “foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.⁸⁶

Effect of Proposed Changes

The bill creates s. 1004.051, F.S., to prohibit a public postsecondary institution from implicitly or explicitly prohibiting applicants or currently enrolled students from being employed, either full time or part time, as a condition of admission to or enrollment in any of the institution’s schools, colleges, or programs.

⁸³ National Center for Education Statistics, *College Student Employment* (May 2022), [https://nces.ed.gov/programs/coe/indicator/ssa/college-student-employment#:~:text=Many%20undergraduate%20students%20ages%2016,time%20students%20\(40%20percent](https://nces.ed.gov/programs/coe/indicator/ssa/college-student-employment#:~:text=Many%20undergraduate%20students%20ages%2016,time%20students%20(40%20percent) (last visited Jan 26, 2024).

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Section 288.860(1)(a), F.S.

The prohibition on employment does not apply if the applicant or currently enrolled student is employed by an organization or agency that is affiliated or associated with a foreign country of concern.

Specialized Transfer Degrees

Present Situation

Florida's 28 state and community colleges offer a wide range of academic opportunities for students throughout the state. At Florida College System (FCS) institutions, students are able to complete degree programs including Bachelor of Science and Bachelor of Applied Science, Associate in Arts (AA), Associate in Science (AS), Associate in Applied Science (AAS), and career and technical certificate programs.⁸⁷

Associate in Arts Degree

The AA degree is designed for students who plan to transfer from an FCS institution to a baccalaureate degree program, either at an FCS or a state university system (SUS) institution.⁸⁸ The AA degree requirements consist of 60 total credit hours and include 36 credit hours of general education and 24 credit hours of electives.⁸⁹ Students should choose elective courses required for admission to their intended program of study or major at the desired college or university. The Common Prerequisites Manual⁹⁰ is a catalog of lower-level courses that are prerequisites for entrance into baccalaureate programs offered by FCS and SUS institutions. Students are encouraged to discuss their intended program of study with an academic advisor at their college to ensure they are meeting all requirements to transfer upon completing their AA degree.⁹¹

A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.⁹²

General Education Core Courses

Students entering an FCS or SUS institution are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.⁹³

⁸⁷ DOE, Florida College System (FCS), *Academics*, <https://www.fl DOE.org/schools/higher-ed/fl-college-system/academics/> (last visited Jan. 21, 2024).

⁸⁸ *Id.*

⁸⁹ Section 1007.25(9), F.S.

⁹⁰ Florida Shines, *Common Prerequisites Manual*, <https://cpm.flvc.org/advance-search> (last visited Jan. 21, 2024).

⁹¹ DOE, FCS, *Academics*, <https://www.fl DOE.org/schools/higher-ed/fl-college-system/academics/> (last visited Jan. 21, 2024).

⁹² Section 1007.25(10), F.S. and Board of Governors Regulation 6.017.

⁹³ Section 1007.25, F.S. Beginning with the 2022-2023 academic year, the general education core course requirement is extended to students in an Associate in Applied Science (AAS) and Associate in Science (AS) degree program.

General education core course options consist of a maximum of five courses in each identified subject area, but may exceed that limit with the approval of the SBE or the BOG. The general education core courses are established in SBE rule⁹⁴ and BOG regulation.⁹⁵

Transfer of General Education Courses

Each public postsecondary institution must accept transfer general education core courses taken at another institution. After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an AA or baccalaureate degree are at the discretion of the FCS or SUS institution.⁹⁶

General education programs in Florida, while consistent with the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses. Students who transfer with an AA or AS degree or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements. If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.⁹⁷

Articulation Coordinating Committee

The commissioner, in consultation with the Chancellor of the SUS, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies.⁹⁸ Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.⁹⁹ The Office of K-20 Articulation within the DOE provides administrative support to the ACC.¹⁰⁰

Statewide Articulation Agreements

Each state university board of trustees, FCS institution board of trustees, and district school board must plan and adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.¹⁰¹

Statewide articulation agreements help facilitate the seamless transition of students across and among Florida's educational entities. These agreements are intended to be a minimum guarantee

⁹⁴ Rule 6A-14.0303, F.A.C.

⁹⁵ Board of Governors Regulation 8.005.

⁹⁶ *Id.* and r. 6A -14.0303(5), F.A.C.

⁹⁷ DOE, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fl DOE.org/core/fileparse.php/5421/urll/Statewide-Articulation-Manual.pdf>. See also r. 6A-10.024(2)(c), F.A.C.

⁹⁸ Section 1007.01(3), F.S.

⁹⁹ Section 1007.01(3)(a) and (b), F.S.

¹⁰⁰ Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

¹⁰¹ Rule 6A-10.024(1), F.A.C.

of articulated credit and do not preclude institutions from granting additional credit based on local agreements.¹⁰²

Effect of Proposed Changes

The bill amends s. 1007.25, F.S., to create a new Associates in Arts (AA) specialized transfer degree. The specialized transfer degrees are designed for FCS institution students who need supplemental lower-level coursework above the 60 credit hours of the traditional AA degree in preparation for transfer to a baccalaureate degree program. An AA specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit.

The bill requires the SBE to establish criteria for the review and approval of new specialized transfer degrees. The approval process must require:

- An FCS institution to submit a notice of its intent to propose a new AA specialized degree program to the Division of Florida Colleges. The notice must include the recommended credit hours, the rationale for the specialization, the demand for students entering the field, and the coursework being proposed to be included beyond the 60 semester hours required for the general transfer degree, if applicable. Notices of intent may be submitted by an FCS institution at any time.
- The Division of Florida Colleges to forward the notice of intent within 10 business days after receipt to all FCS institutions and the Chancellor of the SUS, who must forward the notice to all state universities. State universities and FCS institutions have 60 days after receipt of the notice to submit comments to the proposed AA specialized transfer degree.
- After the submission of comments, the requesting FCS institution to submit a proposal that, at a minimum, includes:
 - Evidence that the coursework for the AA specialized transfer degree includes demonstration includes demonstration of competency in a foreign language¹⁰³ and demonstration of civic literacy competency.¹⁰⁴
 - Demonstration that all required coursework will count toward the AA degree or the baccalaureate degree.
 - An analysis of demand and unmet need for students entering the specialized field of study at the baccalaureate level.
 - Justification for the program length if it exceeds 60 credit hours, including references to the Common Prerequisite Manual or other requirements for the baccalaureate degree. This includes documentation of alignment between the exit requirements of an FCS institution and the admissions requirements of a baccalaureate program at a state university to which students would typically transfer.
 - Articulation agreements for graduates of the AA specialized transfer degree.
 - Responses to the comments received.

The Division of Florida Colleges must review the proposal and, within 30 days after receipt, provide written notification to the FCS institution of any deficiencies and provide the institution

¹⁰² DOE, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 20-21, available at <https://www.fl DOE.org/core/fileparse.php/5421/urll/Statewide-Articulation-Manual.pdf>. See also r. 6A-10.024(2)(c), F.A.C.

¹⁰³ Section 1007.262, F.S.

with an opportunity to correct the deficiencies. Within 45 days after receipt of a completed proposal by the Division of Florida Colleges, the commissioner must recommend approval or disapproval of the new specialized transfer degree to the SBE. The SBE must consider the recommendation at its next meeting.

Upon approval of an AA specialized transfer degree by the SBE, an FCS institution may offer the degree and must report data on student and program performance in a manner prescribed by the DOE.

The bill requires the SBE to adopt rules to prescribe format and content requirements and submission procedures for notices of intent, proposals, and compliance reviews for the AA specialized transfer degree.

Florida College System Institution Employment Equity Plan

Each Florida College System (FCS) institution is required to include in its annual equity update, a plan for increasing the representation of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status.¹⁰⁵ The plan is required to include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the Department of Education.¹⁰⁶ The goals and objectives are based on meeting or exceeding comparable national standards and are reviewed and recommended by the State Board of Education as appropriate. The plans must be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.¹⁰⁷

The plan must show the following information for certain positions including, but not limited to:¹⁰⁸

- Job classification title.
- Gender.
- Ethnicity.
- Appointment status.
- Salary information. At each Florida College System institution, salary information shall also include the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.
- Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the Florida College System institution by race, gender, and salary range compared to the number of new hires.
- A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.

¹⁰⁵ Section 1012.86(1), F.S.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Section 1012.86(2)(b), F.S.

Florida's K-12 public institutions and institutions within the state university system are not required to complete a similar report.

Effect of Proposed Changes

The bill repeals s. 1012.86, F.S., to delete the requirement of the FCS Institution Employment Equity Accountability Program.

Residency Status for Tuition Purposes

Present Situation

Students must be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career centers operated by school districts, Florida College System (FCS) institutions, and state universities. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.¹⁰⁹

Specifically, to qualify as a resident for tuition purposes:¹¹⁰

- A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.
- Every applicant for admission to an institution of higher education must make a statement as to his or her length of residence and establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in Florida currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile.

A person must show certain proof that he or she should be classified as a resident for tuition purposes and may not receive the in-state tuition rate until clear and convincing evidence related to legal residence and its duration has been provided. Each institution of higher education must make a residency determination that is documented by the submission of written or electronic verification that includes two or more specified documents that:

- Must include at least one of the following:¹¹¹
 - A Florida voter's registration card.
 - A Florida driver license.
 - A State of Florida identification card.
 - A Florida vehicle registration.
 - Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
 - Proof of a homestead exemption in Florida.
 - Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.

¹⁰⁹ Section 1009.21. F.S.

¹¹⁰ Section 1009.21(2)(a), F.S.

¹¹¹ Section 1009.21(3)(c)1., F.S.

- Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.
- May include one or more of the following:¹¹²
 - A declaration of domicile in Florida.
 - A Florida professional or occupational license.
 - Florida incorporation.
 - A document evidencing family ties in Florida.
 - Proof of membership in a Florida-based charitable or professional organization.
 - Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

Effect of Proposed Changes

The bill amends s. 1009.21, F.S., to allow the use of an application for property tax exemption for homestead property that has been approved by a property appraiser, as a single, conclusive piece of evidence proving residency for tuition purposes. The property must have been continuously maintained as the primary residence for at least 12 months before the first day of the semester for which the resident status is being claimed in Florida.

Stanley G. Tate Florida Prepaid College Program

Present Situation

The Stanley G. Tate Florida Prepaid College Program (Prepaid Program) was created to assist families to prepay the future cost of college tuition through advance payment contracts (Prepaid Plans).¹¹³ At the time of purchase, Prepaid Plans guarantee the future payment of certain costs associated with attendance at a postsecondary institution.¹¹⁴ Additionally, the benefits, in some cases, can be utilized at in-state private institutions and at out-of-state public and private colleges and universities that are able to accept Title IV funding (i.e., federal student aid).¹¹⁵

The administration of the prepaid program is overseen by the Florida Prepaid College Board (board).¹¹⁶ In its role as the administrator of the trust fund, the board is responsible for managing it in a financially sound manner, ensuring stability based on actuarial principles.¹¹⁷ Over the past 30 years, the board has managed the largest and most successful prepaid program among similar initiatives enabling more than 561,000 students to attend college using the prepaid plans.¹¹⁸

The costs associated with attending a postsecondary institution encompass tuition and various fees designed to contribute to the overall operational expenses of the institution.¹¹⁹ One such fee,

¹¹² Section 1009.21(3)2., F.S.

¹¹³ Section 1009.98(1)-(2), F.S.

¹¹⁴ *Id.*

¹¹⁵ Section 1009.98(3), F.S.

¹¹⁶ Section 1009.971(1), F.S.

¹¹⁷ Section 1009.971(4)(f), F.S.

¹¹⁸ Florida Prepaid, *Our History*, <https://www.myfloridaprepaid.com/about-us/our-history/> (last visited Jan. 31, 2023).

¹¹⁹ Florida Prepaid, *All About Florida College and State University Fees*, <https://www.myfloridaprepaid.com/existing-customers/tuition-and-fees/> (last visited Jan. 31, 2024).

known as the tuition differential fee, is charged by 11 of the 12 state universities. The tuition differential fee is intended to promote improvements in the quality of undergraduate education and provide financial aid to undergraduate students who exhibit financial need.¹²⁰

By statute, for the 2012-2013 fiscal year, the base rate for the tuition differential fee was established at \$37.03 per credit hour.¹²¹ In subsequent years, the statute requires this base rate to be adjusted based on the amount assessed for the tuition differential in the preceding year. The adjustments are as follows:¹²²

- If the actuarial reserve¹²³ is less than 5 percent of the expected liabilities of the trust fund, the board pays the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board pays the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

Qualified beneficiaries of Prepaid Plans purchased before July 1, 2007, are exempt from paying any tuition differential fee.¹²⁴

Effective with the 2009-2010 academic year and thereafter, in addition to the differential fees, other fees are paid by the board to any state university on behalf of a qualified beneficiary of the Prepaid Plan, whose contract was purchased before July 1, 2024. Among these fees are:

- Registration Fee:¹²⁵
 - If the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board will pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year.

¹²⁰ Section 1009.24(16), F.S.; see also Final Master Contract, at s. 1.39 and State University System of Florida, *Tuition and Required Fees* (2023-2024), available at <https://www.flbog.edu/wp-content/uploads/2023/07/2023-2024-SUS-Tuition-and-Fees-Report-PDF-1.pdf>.

¹²¹ Section 1009.98(10)(b), F.S.

¹²² Section 1009.98(10)(b)2., F.S.

¹²³ Section 1009.98(10)(a)1. “Actuarial reserve” means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.

¹²⁴ Section 1009.98(10)(b)5., F.S.

¹²⁵ Section 1009.98(10)(b)1., F.S.

- If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.
- Local Fees: The board is required to pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.¹²⁶

Regardless of the specific amount assessed for registration fees, tuition differential, local fees, or dormitory fees, the board's payment to a state university on behalf of a qualified beneficiary, covered by a Prepaid Plan purchased before July 1, 2024, cannot exceed 100 percent of the total fees charged by the state university.¹²⁷ The board will pay state universities the actual amount assessed for the registration fees, the tuition differential, local fees and dormitory fees for Prepaid Plans purchased on or before July 1, 2024.¹²⁸

Regardless of credit hours used for fee assessment, the board's payment for Prepaid Plans purchased before July 1, 2024, cannot exceed the actual number of credit hours taken by the qualified beneficiary at the state university.¹²⁹

Effect of Proposed Changes

The bill amends s. 1009.98, F.S., to transition the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009-2010 to 2022-2023. Additionally, it extends the applicability of the contracts to those purchased before July 1, 2034.

The bill clarifies that the base rate is the amount assessed.

The bill also removes obsolete language in regards to the differential fee amount paid for the 2012-2013 fiscal year.

Education Practices Commission

Present Situation

The Department of Education's (DOE's) Office of Professional Practices Services (OPPS) investigates misconduct by educators who hold a Florida Educator Certificate or a valid application for a Florida Educator Certificate. The OPPS investigates when there are ultimate facts to support the educator has broken the law or violated the Principles of Professional Conduct.¹³⁰ These laws and rules outline the standards of conduct expected of certified educators in Florida.¹³¹

¹²⁶ Section 1009.98(10)(b)3., F.S.

¹²⁷ Section 1009.98(10)(c) and (d), F.S.

¹²⁸ Section 1009.98(10)(f), F.S.

¹²⁹ Section 1009.98(10)(e), F.S.

¹³⁰ Rule 6A-10.081, F.A.C. contains the Principles of Professional Conduct for the Education Profession in Florida.

¹³¹ DOE, *Role of Professional Practices Services*, <https://www.fl doe.org/teaching/professional-practices/role-of-professional-practices-service.shtml> (lasted visited Jan. 31, 2024).

Penalties against an educator's certificate are not issued by the Commissioner of Education (commissioner) or the DOE; penalties are issued by the Education Practices Commission (commission). The commission is a quasi-judicial body of peers, law enforcement, and lay persons set forth in statute¹³² that determines what penalty is issued in each case.¹³³

Currently, the commission must employ an executive director by a vote of three-fourths of the membership who is exempt from career service and may be dismissed by a majority vote of the membership. The commission is assigned to the DOE for administrative purposes and, in the performance of its powers and duties, must not be subject to control, supervision, or direction by the DOE.¹³⁴

The commission has the authority to make expenditures necessary to carry out its duties and responsibilities, including for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission are subject to the powers and duties of the Department of Financial Services.¹³⁵

Effect of Proposed Changes

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

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹³² Section 1012.79, F.S.

¹³³ DOE, *Role of Professional Practices Services*, <https://www.fl DOE.org/teaching/professional-practices/role-of-professional-practices-service.shtml> (last visited Jan. 31, 2024).

¹³⁴ Section 1012.79(5)-(6)(a), F.S.

¹³⁵ Sections 17.03 and 1012.79(9), F.S.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 192.0105, 192.048, 196.082, 196.011, 1001.64, 1001.65, 1002.33, 1002.45, 1003.451, 1003.53, 1006.38, 1007.25, 1007.271, 1008.33, 1008.34, 1009.21, 1009.98 1012.79.

This bill creates sections 1003.052 and 1004.051 of the Florida Statutes.

This bill repeals section 1012.86 from the Florida Statutes.

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 the Education Pre-K-12 Committee on January 29, 2024:

The committee substitute:

- Maintains the authority of school districts to operate “second chance schools.”
- Authorizes alternate methods of communicating to parents regarding placement into a dropout prevention and academic intervention program.
- Provides that, beginning in school year 2024-25, any changes made by the state board to components in the school grades model or to the school grading scale go into effect, at the earliest, in the following school year.

- Clarifies that it is not necessary to make an annual application for exemption on property used to house a charter school.
- Provides students in grades 11 and 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) and consult with a military recruiter during the school day.
- Allows documentation of the homestead exemption as a single piece of evidence proving residency for tuition purposes.
- Repeals the Florida College System's employment equity and accountability program.
- Requires that dual enrollment articulation agreements include consideration of online courses.
- Transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009 -2010 to 2022-2023.
- Creates a new Associates of Arts (AA) specialized transfer degree for students who need additional credit above the 60 hours in preparation for transfer to a baccalaureate degree program.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
