

<b>Tab 1</b>	<b>CS/SB 192</b> by <b>ED, Book (CO-INTRODUCERS) Rodrigues</b> ; (Similar to CS/H 00149) Students with Disabilities in Public Schools					
<b>Tab 2</b>	<b>CS/SB 366</b> by <b>ED, Hutson (CO-INTRODUCERS) Brodeur, Diaz</b> ; (Compare to CS/H 00791) Educational Opportunities Leading to Employment					
627820	D	S	RCS	AED, Hutson	Delete everything after	04/09 04:04 PM
511432	AA	S	RCS	AED, Hutson	btw L.316 - 317:	04/09 04:04 PM
<del>264204</del>	<del>A</del>	<del>S</del>	<del>WD</del>	<del>AED, Hutson</del>	<del>Delete L.158:</del>	<del>04/09 04:04 PM</del>
<b>Tab 3</b>	<b>SB 918</b> by <b>Bradley (CO-INTRODUCERS) Jones</b> ; (Identical to H 00827) Education					
<b>Tab 4</b>	<b>CS/SB 934</b> by <b>ED, Wright</b> ; (Similar to H 01159) Education					
751078	D	S	RCS	AED, Wright	Delete everything after	04/09 04:04 PM
425540	AA	S	RCS	AED, Passidomo	btw L.4 - 5:	04/09 04:04 PM
<b>Tab 5</b>	<b>CS/SB 1028</b> by <b>ED, Hutson (CO-INTRODUCERS) Diaz</b> ; (Compare to CS/H 00051) Charter Schools					
444320	D	S	RCS	AED, Hutson	Delete everything after	04/12 08:47 AM
<b>Tab 6</b>	<b>SB 1282</b> by <b>Harrell</b> ; (Similar to CS/H 00419) Early Learning and Early Grade Success					
240086	D	S	RCS	AED, Harrell	Delete everything after	04/12 08:47 AM
<b>Tab 7</b>	<b>SB 1336</b> by <b>Gibson</b> ; (Similar to H 00575) Gold Seal Quality Care Program					
<b>Tab 8</b>	<b>CS/SB 1672</b> by <b>ED, Diaz</b> ; (Identical to CS/H 00845) State University Free Seat Program					
<b>Tab 9</b>	<b>SB 1798</b> by <b>Perry (CO-INTRODUCERS) Diaz</b> ; (Compare to CS/H 01261) Higher Education					
<b>Tab 10</b>	<b>SB 1816</b> by <b>Rouson</b> ; (Similar to H 07033) Task Force on Closing the Achievement Gap for Boys					
<b>Tab 11</b>	<b>SB 1864</b> by <b>Perry (CO-INTRODUCERS) Diaz</b> ; (Compare to CS/CS/H 00131) Education					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Senator Broxson, Chair**

**Senator Diaz, Vice Chair**

**MEETING DATE:** Thursday, April 8, 2021

**TIME:** 11:30 a.m.—1:30 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Broxson, Chair; Senator Diaz, Vice Chair; Senators Cruz, Gibson, Gruters, Hutson, Passidomo, Polsky, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A3 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	<b>CS/SB 192</b> Education / Book (Similar CS/H 149)	Students with Disabilities in Public Schools; Requiring school districts to prohibit the use of seclusion on students with disabilities in public schools; requiring school districts to adopt approved behavioral interventions and restraint training, pursuant to State Board of Education rules; creating the Video Cameras in Public School Classrooms Pilot Program; requiring continuing education and inservice training for instructional personnel teaching students with emotional or behavioral disabilities, etc.  ED 03/23/2021 Fav/CS AED 04/08/2021 Favorable AP	Favorable Yeas 8 Nays 0
2	<b>CS/SB 366</b> Education / Hutson (Similar S 1042, Compare CS/H 791, CS/H 1505, CS/CS/H 1507, S 98)	Educational Opportunities Leading to Employment; Revising the general duties of the Department of Education with regard to apprenticeship and preapprenticeship programs; revising the membership of the State Apprenticeship Advisory Council; providing that apprenticeship or preapprenticeship program sponsors are responsible for the selection and training of certain personnel, as approved by the department; encouraging specified entities to cooperate in developing and establishing apprenticeship and preapprenticeship programs that include career instruction, etc.  ED 03/02/2021 Fav/CS AED 04/08/2021 Fav/CS AP	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education

Thursday, April 8, 2021, 11:30 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 918</b> Bradley (Identical H 827)	Education; Requiring school districts to allocate a certain amount of specified funds to certain programs that prepare prospective students to enroll in Advanced International Certificate of Education courses; requiring such funds to be spent on specified costs; requiring school districts to distribute specified bonuses to certain classroom teachers providing International General Certificate of Secondary Education instruction, etc.  ED 03/02/2021 Favorable AED 04/08/2021 Favorable AP	Favorable Yeas 8 Nays 0
4	<b>CS/SB 934</b> Education / Wright (Similar H 1159, Compare H 7011, S 1898)	Education; Requiring additional specified strategies to be included in rules establishing uniform core curricula for each state-approved teacher preparation program; expanding the instruction that an educator preparation institute may provide to include instruction and professional development for part-time and full-time nondegreed teachers of career programs; requiring the Department of Education to approve a certification program if an institute provides evidence of its capacity to implement a competency-based program that includes specified strategies; revising the minimum qualifications for part-time and full-time nondegreed teachers of career programs, etc.  ED 03/02/2021 Fav/CS AED 04/08/2021 Fav/CS AP	Fav/CS Yeas 9 Nays 0
5	<b>CS/SB 1028</b> Education / Hutson (Compare CS/H 51, CS/H 1031, CS/H 1061, S 1468, S 1622)	Charter Schools; Providing that a hope operator that has not been notified that a financial audit for a fiscal year will be performed by the Auditor General must retain an independent certified public accountant to complete, within 9 months after the end of its fiscal year, an annual financial audit of its accounts, which must be paid from its public funds; authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; revising the definition of the term "persistently low-performing school", etc.  ED 03/23/2021 Fav/CS AED 04/08/2021 Fav/CS AP	Fav/CS Yeas 5 Nays 3

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Thursday, April 8, 2021, 11:30 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	<b>SB 1282</b> Harrell (Similar CS/H 419, Compare H 575, H 7011, S 1336, S 1898)	Early Learning and Early Grade Success; Deleting the Office of Early Learning from within the Office of Independent Education and Parental Choice of the Department of Education; establishing the Division of Early Learning within the department; revising approved child care or early education settings for the placement of certain children; requiring each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program to allow his or her child to participate in a specified screening and progress monitoring program; revising the performance standards for the Voluntary Prekindergarten Education Program; authorizing certain students who enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds, etc.  ED 03/23/2021 Favorable AED 04/08/2021 Fav/CS AP	Fav/CS Yeas 8 Nays 0
7	<b>SB 1336</b> Gibson (Similar H 575, Compare CS/H 419, S 1282)	Gold Seal Quality Care Program; Revising the requirements of the Gold Seal Quality Care program; requiring the Department of Education to establish a verification process for accrediting entities and providing requirements therefor; providing that an accrediting entity is liable for repayment of certain rate differentials if the accrediting entity granted accreditation to specified entities under fraudulent terms or failed to conduct onsite verifications; providing an exemption from ad valorem taxation and rate differentials for certain child care facilities, etc.  ED 03/30/2021 Favorable AED 04/08/2021 Favorable AP	Favorable Yeas 7 Nays 0
8	<b>CS/SB 1672</b> Education / Diaz (Identical CS/H 845)	State University Free Seat Program; Creating the State University Free Seat Program; providing an exemption from tuition and fees, including lab fees, for one online course at a state university for certain resident students; prohibiting a state university from charging such students more than a specified percentage of the tuition rate and the tuition differential under certain circumstances; providing a limitation on the application of such tuition discount, etc.  ED 03/23/2021 Fav/CS AED 04/08/2021 Temporarily Postponed AP	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Education

Thursday, April 8, 2021, 11:30 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>SB 1798</b> Perry (Identical H 1261)	Higher Education; Requiring a state university to waive the tuition and fees for certain courses in which certain resident students are enrolled; prohibiting the reporting of tuition and fees waived for state funding purposes; providing that a state university is ineligible for a specified performance-based incentive for failure to comply, etc.  ED 03/30/2021 Favorable AED 04/08/2021 Favorable AP	Favorable Yeas 7 Nays 0
10	<b>SB 1816</b> Rouson (Similar H 7033)	Task Force on Closing the Achievement Gap for Boys; Creating the Task Force on Closing the Achievement Gap for Boys within the Department of Education; providing for membership and meetings of the task force; requiring the department to provide staff, administrative support, and necessary data and other relevant information to assist the task force; requiring that the task force submit a report to the Governor and Legislature by a specified date, etc.  ED 03/30/2021 Favorable AED 04/08/2021 Favorable AP	Favorable Yeas 8 Nays 0
11	<b>SB 1864</b> Perry (Compare CS/CS/H 131)	Education; Requiring the Department of Education to maintain a disqualification list that includes the identities of certain persons; requiring district school boards to investigate certain complaints and report certain results of such investigations to the department; prohibiting an individual who is on the disqualification list from being employed by a charter school or serving as a member of a charter school governing board; requiring certain private schools to adopt policies establishing standards of ethical conduct for certain employees; expanding the list of entities that law enforcement agencies must notify of certain charges, etc.  ED 03/30/2021 Favorable AED 04/08/2021 Favorable AP	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: CS/SB 192

INTRODUCER: Education Committee and Senator Book and others

SUBJECT: Students with Disabilities in Public Schools

DATE: April 7, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Fav/CS</b>
2. <u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3. _____	_____	<u>AP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 192 revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion. The bill also provides enhanced mechanisms for monitoring specified classrooms. Specifically, the bill requires:

- School districts to:
  - Adopt positive behavior interventions and supports for students with a disability and identify all school personnel authorized to use the interventions and supports.
  - Provide training to all school personnel authorized to use positive behavior interventions and supports.
  - Publish the procedures for training in positive behavior interventions and supports in the district's special policies and procedures manual.
- The development of a crisis intervention plan for a student who has been restrained twice during a semester.
- Schools within the Broward County school district, as part of the Video Cameras in Public School Classrooms Pilot Program, to install a video camera, upon the request of a parent, in self-contained classrooms where students with a disability are enrolled and specifies the circumstances under which the video recording may be viewed.
- The Department of Education (DOE) to collect information relating to the installation and maintenance of video cameras in self-contained classrooms as part of the pilot program.
- Data maintained by the DOE on the use of restraint to be updated monthly and made available to the public through the DOE's website by October 1, 2021.

- The Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or in-service training requirements for instructional personnel.

The bill does not require a state appropriation. However, school districts may incur costs to provide training in the use of restraint or positive behavior interventions. The Broward County School District may incur costs related to the installation and maintenance of video recording equipment. See Section V.

The bill takes effect July 1, 2021.

## II. Present Situation:

The Individuals with Disabilities Education Act (IDEA)<sup>1</sup> was enacted to ensure that all children with a disability have available to them a free appropriate public education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; and ensuring that the rights of children with disabilities and parents of such children are protected.<sup>2</sup> Accordingly, Florida law specifies conditions regarding the use of restraint and seclusion on students with a disability.<sup>3</sup>

### The Use of Restraint and Seclusion

The Florida Department of Education (DOE) requires that all documenting, reporting, and monitoring requirements related to the use of restraint in schools are based on the definitions issued by the Office for Civil Rights (OCR) within the United States Department of Education.<sup>4</sup>

#### *Restraint*

According to the DOE:

- Physical restraint immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.
- Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for specific and approved purposes for which such devices were designed.<sup>5</sup>

School personnel are prohibited from using a mechanical restraint or a physical or manual restraint that restricts a student's breathing.<sup>6</sup>

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<sup>1</sup> 20 U.S.C. s. 1400 et seq.

<sup>2</sup> U.S. Department of Education, *IDEA Purpose*, <https://sites.ed.gov/idea/about-idea> (last visited Mar. 18, 2021).

<sup>3</sup> Section 1003.573, F.S.

<sup>4</sup> Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 2.

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

<sup>6</sup> Section 1003.573(4), F.S.

### ***Seclusion***

The OCR defines seclusion as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.<sup>7</sup> School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshall for seclusion time-out rooms.<sup>8</sup>

### **School District Responsibilities**

Each school district must develop policies and procedures regarding the use of restraint and seclusion of students with a disability. School district policies and procedures must address:

- Incident-reporting procedures.
- Data collection and monitoring, including when, where, and why students are restrained or secluded.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for reducing the use of restraint and seclusion, particularly in settings in which it occurs frequently or with students who are restrained repeatedly,<sup>9</sup> and for reducing the use of prone restraint and mechanical restraint.<sup>10</sup>

### ***Confidentiality of Student Records***

With limited exceptions, school districts may not disclose personally identifiable information contained within student records to a third party without parental consent.<sup>11</sup> School districts may disclose personally identifiable information from an education record regarding threats of violence and other issues regarding a student's well-being without parental consent in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.<sup>12</sup>

School districts may also share student information with juvenile justice and criminal justice agencies if the disclosure concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.<sup>13</sup> If the juvenile justice system seeks the disclosure of information on a student in order to identify and intervene

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<sup>7</sup> U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>, at 7.

<sup>8</sup> Section 1003.573(5), F.S. Rule 69A-58.0084, F.A.C.

<sup>9</sup> The recurrent use of seclusion or restraint for an individual student indicates the need for a functional behavioral assessment (FBA) and should trigger a review and possible revision of that student's IEP and Behavioral Intervention Plan (BIP). For example, students with limited communication skills may exhibit aggressive behaviors in an effort to communicate. The FBA should be used to identify such situations and a BIP should be developed to address the need(s) through appropriate instructional techniques. Florida Department of Education, Bureau of Exceptional Education and Student Services, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, Technical Assistance Paper FY 2011-165 (Oct. 14, 2011), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>, at 15.

<sup>10</sup> Section 1003.573(3)(a), F.S.

<sup>11</sup> Section 1002.22, F.S.; 20 U.S.C. s. 1232(g).

<sup>12</sup> 34 C.F.R. s. 99.36.

<sup>13</sup> 34 C.F.R. s. 99.38.



with a juvenile at risk of delinquency, rather than to obtain information solely related to supervision of an adjudicated delinquent, the juvenile could be classified as a preadjudicated delinquent, and the records may be shared.<sup>14</sup>

### **School Responsibilities**

Florida law requires a school to prepare an incident report within 24 hours after a student is released from restraint or seclusion. The incident report must contain:

- The name, age, grade, ethnicity, and disability of the student restrained or secluded.
- The date and time of the event and the duration of the restraint or seclusion.
- A description of the type of restraint.
- A description of the incident.<sup>15</sup>

Before the end of the school day, a school must provide written notification to the parent or guardian of a student each time restraint or seclusion is used on the student. Reasonable efforts must also be taken to notify the parent or guardian by telephone or e-mail, or both, and these efforts must be documented. The school must obtain and keep in its records the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.<sup>16</sup> A school must also provide the parent or guardian with the completed incident report in writing by mail within three school days after a student was manually or physically restrained or secluded.<sup>17</sup>

Monitoring of the use of restraint and seclusion on students is required at the classroom, building, district, and state levels. The incident report and the notification to the parent or guardian must be provided to the school principal, the school district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services within the DOE electronically each month that school is in session.<sup>18</sup>

Forty-three school districts prohibited seclusion in the 2019-2020 school year. In the 2019-2020 school year, school districts reported 6,300 incidents of restraint and 557 incidents of seclusion.<sup>19</sup>

### **Florida Department of Education Responsibilities**

The DOE is required to maintain aggregate data of incidents of manual or physical restraint and seclusion by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used. This information must be updated monthly. The DOE is

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<sup>14</sup> See U.S. Dep't. of Justice and U.S. Dep't of Ed., *Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs* (June 1997), available at <https://www.ncjrs.gov/pdffiles/163705.pdf> at 9.

<sup>15</sup> Section 1003.573(1), F.S. If the student's release occurs on a day before the school closes for the weekend, a holiday or another reason, the incident report must be completed by the end of the school day on the day the school reopens. *Id.*

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

<sup>17</sup> Section 1003.573(1)(d), F.S.

<sup>18</sup> Section 1003.573(2)(a)-(b), F.S.

<sup>19</sup> Florida Department of Education, *Legislative Bill Analysis for SB 192* (December 14, 2020) (on file with the Senate Committee on Education).

also required to establish standards for documenting, reporting, and monitoring the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion.<sup>20</sup>

### **Commissioner of Education Responsibilities**

The Commissioner of Education is required to develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, and other developmental disabilities into continuing education or in-service training requirements for personnel. These recommendations must address:

- Early identification and intervention methods.
- Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.
- The use of available state and local resources.
- The use of positive behavioral supports to deescalate problem behaviors.
- Appropriate use of manual physical restraint and seclusion techniques.<sup>21</sup>

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

### **The Use of Restraint and Seclusion**

The bill modifies s. 1003.573, F.S., revises the circumstances and procedures required for restraining students with a disability in public schools and prohibits the use of seclusion.

#### ***Restraint***

The bill defines terms related to restraint and ensures restraint is only used as a last resort to avoid imminent harm. Specifically, the bill defines:

- “Crisis intervention plan” to mean an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury.
- “Imminent risk of serious injury” to mean the threat posed by dangerous behavior that may cause serious physical harm to self or others.
- “Positive behavior interventions and supports” means the use of behavioral interventions to prevent dangerous behaviors that may cause serious physical harm to the student or others.
- “Restraint” to mean the use of a mechanical or physical restraint.
- “Mechanical restraint” to mean the use of a device that restricts a student’s freedom of movement. The term does not include the use devices prescribed or recommended by physical or behavioral health professionals when used for indicated purposes.
- “Physical restraint” to mean the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or part of a student’s body but does not include briefly holding a student in order to calm or comfort the student or physically escorting a student to a safe location.
- “Seclusion” to mean the involuntary confinement of a student in a room or area alone and preventing the student from leaving the room or area. The term does not include time-out used as a behavior management technique intended to calm a student.

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<sup>20</sup> Section 1003.573(2)(c)-(d), F.S.

<sup>21</sup> Section 1012.582(1), F.S.

- “Student,” as the term relates to the restraint of students with a disability, to mean a child with an individual education plan<sup>22</sup> enrolled in grades kindergarten through 12. The term does not include students in prekindergarten, students who reside in residential care facilities, or students participating in a Department of Juvenile Justice education program.

The bill specifies that restraint may only be used to protect the safety of students, school personnel, or others, and only after all behavioral interventions to prevent the dangerous behavior posing a risk of serious physical harm to the student or others have been exhausted, and the threat of injury posed by the dangerous behavior remains. When restraining a student, a person may only apply the degree of force necessary to protect the student or others from imminent risk of serious injury. Restraint may not:

- Be used to inflict pain, induce compliance, discipline a student, or to correct student noncompliance.
- Involve the use of straightjackets, zip ties, handcuffs, or tie-downs to obstruct or restrict breathing or blood flow.
- Be used in a manner that places a student in a facedown position with the student’s hands restrained behind the student’s back.

### ***Seclusion***

The bill prohibits the use of seclusion of students by school personnel. Seclusion is defined as the involuntary confinement of a student in a room or area alone. The term does not include time-out used as a behavior management technique to calm a student.

This prohibition may encourage school personnel to consider effective and appropriate intervention strategies to address student behavior in the school setting.

### **School District Responsibilities**

The bill requires school districts to adopt approved behavioral intervention and restraint training, pursuant to State Board of Education (SBE) rules, for students with a disability and identify all school personnel authorized to use the interventions. District policies and procedures on positive behavior interventions and supports must be publicly posted at the beginning of each school year, and any revisions must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services within the DOE within 90 days after the revision.

Existing requirements governing policies and procedures for the seclusion and restraint of students with a disability are updated to align with the new definitions relating to restraint and the prohibition of the use of seclusion. The bill authorizes school districts to include in their required plans for achieving goals to reduce the use of restraint an analysis of data to determine trends related to the use of restraint.

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<sup>22</sup> The individualized education plan is the primary vehicle for communicating the school district’s commitment to addressing the unique educational needs of a student with a disability. Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9.

***Training***

The bill requires school districts to provide training to all school personnel authorized to use positive behavior interventions and supports and publish the procedures for the training in the district's special policies and procedures manual. The bill adds the date an individual was last trained in the use of positive behavior interventions and supports to the required components of the incident report that is prepared within 24 hours after a student is released from restraint.

Training must be provided annually and include:

- The use of positive behavior interventions and supports.
- Risk assessment procedures to identify when restraint may be used.
- Examples of when positive behavior interventions and support techniques have failed to reduce the imminent risk of serious injury.
- Examples of safe and appropriate restraint techniques and how to use these techniques with multiple staff members working as a team.
- Instruction in the district's documentation and reporting requirements.
- Procedures to identify and deal with possible medical emergencies arising during the use of restraint.
- Cardiopulmonary resuscitation.

The establishment of school district training protocol on the use of positive behavior interventions and supports may provide school personnel with additional resources and knowledge related to the techniques to deescalate disruptive student behavior.

***Crisis Intervention Plan***

The bill requires a team comprised of school personnel, applicable physical and behavioral health professionals, and a student's parent to develop a crisis intervention plan after the second time the student is restrained during a semester. A crisis intervention plan is an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury. The bill adds the date the crisis intervention plan was last reviewed, and whether changes were recommended, to the required components to be included in an incident report prepared within 24 hours after a student is released from restraint. The crisis intervention plan must be provided to the student's parent and include:

- Specific positive behavior interventions and supports to use in response to dangerous behaviors that create a threat of imminent risk of serious injury.
- Known physical and behavioral health concerns that will limit the use of restraint for the student.
- A timetable for the review and, if necessary, revision of the crisis intervention plan.

***Video Cameras in Self-Contained Classrooms******Operation of Video Cameras***

The bill creates s. 1003.574, F.S., which requires the Broward County school district to participate in the three-year Video Cameras in Public School Classrooms Pilot Program to provide a video camera to any school with a self-contained classroom upon the written request of a parent of a student in the classroom. A self-contained classroom is a classroom at a public school in which a majority of the students in regular attendance are provided special education

services and are assigned to one or more such classrooms for at least 50 percent of the instructional day. Before the video camera is placed in any classroom, schools must provide written notification of the placement of the video camera to the parents of each student assigned to the self-contained classroom, the school district, and each employee assigned to work with any of the students in the self-contained classroom. The video camera must be operational in each classroom in which the student is in attendance within 30 days after receipt of the parent's written request. The bill does not apply to self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted.

The video camera must be capable of recording, through both video and audio, all areas of the self-contained classroom and any room attached to that classroom when students are present.

Schools are prohibited from:

- Recording a restroom or any area where a student changes his or her clothes.
- Using videos for teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students receiving special education services in a self-contained classroom.
- Allowing regular or continuous monitoring of the video recording.

Any interruption in the operation of the video camera must be explained in writing to the school principal and the district school board. The explanation must include the duration of the interruption, and the district school board office is required to maintain the written explanation for at least one year.

If the parent withdraws the request or the student no longer attends the classroom, the school must notify the parents of the other students in the classroom at least five school days prior to ceasing operation of the video camera. The school must notify the parents that operation of the video camera will cease unless the continued use of the camera is requested by a parent. The school must also send the notification at least ten school days prior to the end of each school year.

### ***Maintenance and Disclosure of Video Camera Recordings***

The bill provides measures related to the maintenance and disclosure of recordings generated by video cameras in self-contained classrooms. The school principal is the custodian of video cameras, video recordings, and access to video recordings and must protect the confidentiality of all student records contained in video camera recordings in accordance with Florida laws governing the disclosure of student records. When making video recordings available for viewing, the school principal must conceal the identity of any student who appears in a video camera recording, but is not involved in the incident which formed the basis of the request for disclosure.

The school must make a recording available for viewing within seven days after receiving a request from:

- A school or school district employee who is involved in an alleged incident that is documented by the video recording as part of the investigative process.
- A parent of a student who is involved in an alleged incident that is documented by the video recording and has been reported to the school or school district.

- A school or school district employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district.
- A law enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law enforcement agency.
- The Department of Children and Families (DCF) as part of a child abuse or neglect investigation.

An incident is defined as an event, circumstance, act, or omission that results in the abuse or neglect of a student by an employee of a public school, school district or another student. The person who requested to view the recording must view the recording within 30 days of receiving notice that his or her request for viewing has been granted and report any suspected child abuse to the DCF. The bill specifies that an incidental viewing by a school employee or contractor involved in the installation, operation, or maintenance of video equipment, or the retention of video recordings does not violate limitations on the disclosure of video recordings.

Schools must retain video footage for at least three months after the date the video was recorded or until the conclusion of any investigation or legal proceedings that result from the recording, including the exhaustion of all appeals.

### ***State Board of Education Appeals***

An individual may appeal to the SBE an action by a school or school district which the individual alleges violates requirements related to video cameras in self-contained classrooms, and the SBE must grant a hearing within 45 days<sup>23</sup> of receiving the request for appeal. The bill specifies that statutory requirements related to video cameras in self-contained classrooms do not:

- Limit the access of the parent of a student, under the Family Educational Rights and Privacy Act (FERPA)<sup>24</sup> or any other law, to a video recording regarding his or her student.
- Waive any immunity from liability of a school district or an employee of a school district.
- Create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities related to video cameras in self-contained classrooms.

The bill provides rulemaking authority to the SBE to implement requirements related to video cameras in classrooms.

### **Florida Department of Education Responsibilities**

The bill requires the DOE to collect various information. As part of the pilot program, DOE is required to collect information related to the installation and maintenance of video cameras. The DOE is required to make available to the public through DOE's website aggregate-level data on incidents of restraint by county, school, student exceptionality, and other variables by October 1, 2020.

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<sup>23</sup> The State Board of Education generally meets every other month, it is unclear if the SBE would have to schedule special meetings specifically to meet the 45-day appeal deadline. Florida Department of Education, *Legislative Bill Analysis for SB 192* (2021), at 7 and 11.

<sup>24</sup> 20 U.S.C. s. 1232g.

The bill replaces the requirement for the DOE to establish standards for documenting, reporting, and monitoring the use of restraint with the requirement to establish standards for documenting, reporting, and monitoring the incident reports related to the use of restraint. This may assist school districts in documenting and reporting incidents related to the use of restraint.

### **Commissioner of Education Responsibilities**

The bill requires the Commissioner of Education to develop recommendations that incorporate instruction regarding emotional or behavioral disabilities into continuing education or in-service training requirements for instructional personnel. The bill also modifies the information required to be addressed in such recommendations by requiring the recommendations to address the use of positive behavior interventions and support, and effective classroom behavior management strategies.

Accordingly, the bill may help instructional personnel to be better informed and trained in strategies to teach students with emotional or behavioral disabilities.

The bill takes effect July 1, 2021.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

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

None.

### **C. Trust Funds Restrictions:**

None.

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

None.

### **E. Other Constitutional Issues:**

None.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

School districts may incur costs to provide professional development in the use of restraint or positive behavior interventions. These costs are indeterminate.

In addition, the Broward County School District may incur costs associated with installing and maintaining video cameras and retaining recordings. The Department of Education estimates a cost of \$960 to install a 360-degree video camera in each classroom. However, the configuration of some classrooms may require up to two cameras per classroom. In addition to the cameras, schools would need to purchase software capable of concealing the identity of any student in the video recording who is not involved in the alleged incident.<sup>25</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.573, 1003.574, and 1012.582.

**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 Education Committee on March 23, 2021:**

The committee Substitute removes the Volusia County school district from the pilot program created in the bill for the installation of video cameras in self-contained classrooms. The committee substitute retains Broward County in the pilot program. The committee substitute also:

- Clarifies that mechanical restraints may not be used in a manner that place a student in a facedown position with the student's hands restrained behind the student's back.
- Modifies the requirement for school districts to adopt positive behavior interventions and supports to require school districts to adopt approved behavioral intervention and restraint training, pursuant to State Board of Education rules, for students with a disability and identify all school personnel authorized to use the interventions.

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<sup>25</sup> Florida Department of Education, *Legislative Bill Analysis for SB 192* (December 14, 2020) (on file with the Senate Committee on Education).



- Corrects a cross-reference to s. 1003.52, F.S., related to educational services in Department of Juvenile Justice programs.

B. Amendments:

None.

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

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By the Committee on Education; and Senators Book and Rodrigues

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1 A bill to be entitled  
 2 An act relating to students with disabilities in  
 3 public schools; amending s. 1003.573, F.S.; defining  
 4 terms; requiring school districts to prohibit the use  
 5 of seclusion on students with disabilities in public  
 6 schools; requiring the Department of Education to make  
 7 certain information available to the public by a  
 8 specified date; providing requirements for the use of  
 9 restraint; prohibiting specified restraint techniques;  
 10 revising school district policies and procedures  
 11 relating to restraint; requiring school districts to  
 12 adopt approved behavioral interventions and restraint  
 13 training, pursuant to State Board of Education rules;  
 14 requiring each school district to publicly post  
 15 specified policies and procedures; requiring school  
 16 districts to provide training on certain interventions  
 17 and supports to specified personnel; providing  
 18 requirements for such training; requiring each school  
 19 district to publish training procedures in its special  
 20 policies and procedures manual; requiring schools to  
 21 develop a crisis intervention plan for certain  
 22 students; providing requirements for such plans;  
 23 revising the requirements for documenting, reporting,  
 24 and monitoring the use of restraint; conforming  
 25 provisions to changes made by the act; creating s.  
 26 1003.574, F.S.; creating the Video Cameras in Public  
 27 School Classrooms Pilot Program; defining terms;  
 28 requiring a video camera to be placed in specified  
 29 classrooms upon the request of a parent; requiring

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 video cameras to be operational within a specified  
 31 time period; providing requirements for the  
 32 discontinuation of such video cameras; providing  
 33 requirements for such video cameras; providing an  
 34 exception; requiring a written explanation if the  
 35 operation of such cameras is interrupted; requiring  
 36 district school boards to maintain such explanation  
 37 for a specified time; requiring schools to provide  
 38 written notice of the placement of a video camera to  
 39 certain individuals; providing requirements for  
 40 retaining and deleting video recordings; prohibiting  
 41 specified uses of such video cameras and recordings;  
 42 providing that school principals are the custodians of  
 43 such video cameras and recordings; providing  
 44 requirements for school principals and video  
 45 recordings; providing requirements relating to student  
 46 privacy; providing requirements for the viewing of  
 47 such video recordings; providing for an appeal process  
 48 for actions of a school or school district; providing  
 49 that incidental viewings of video recordings by  
 50 specified individuals are not a violation of certain  
 51 provisions; providing construction; requiring the  
 52 Department of Education to collect specified  
 53 information; authorizing the State Board of Education  
 54 to adopt rules; amending s. 1012.582, F.S.; requiring  
 55 continuing education and inservice training for  
 56 instructional personnel teaching students with  
 57 emotional or behavioral disabilities; conforming  
 58 provisions to changes made by the act; providing an

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effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1003.573, Florida Statutes, is amended to read:

1003.573 Seclusion and Use of restraint of and seclusion on students with disabilities in public schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Crisis intervention plan" means an individualized action plan for school personnel to implement when a student exhibits dangerous behavior that may lead to imminent risk of serious injury.

(b) "Imminent risk of serious injury" means the threat posed by dangerous behavior that may cause serious physical harm to self or others.

(c) "Positive behavior interventions and supports" means the use of behavioral interventions to prevent dangerous behaviors that may cause serious physical harm to the student or others.

(d) "Restraint" means the use of a mechanical or physical restraint.

1. "Mechanical restraint" means the use of a device that restricts a student's freedom of movement. The term does not include the use of devices prescribed or recommended by physical or behavioral health professionals when used for indicated purposes.

2. "Physical restraint" means the use of manual restraint techniques that involve significant physical force applied by a

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teacher or other staff member to restrict the movement of all or part of a student's body. The term does not include briefly holding a student in order to calm or comfort the student or physically escorting a student to a safe location.

(e) "Seclusion" means the involuntary confinement of a student in a room or area alone and preventing the student from leaving the room or area. The term does not include time-out used as a behavior management technique intended to calm a student.

(f) "Student" means a child with an individual education plan enrolled in kindergarten through grade 12 in a school, as defined in s. 1003.01(2), or the Florida School for the Deaf and Blind. The term does not include students in prekindergarten, students who reside in residential care facilities under s. 1003.58, or students participating in a Department of Juvenile Justice education program under s. 1003.52.

(7) DOCUMENTATION AND REPORTING.—

(a) A school shall prepare an incident report within 24 hours after a student is released from restraint ~~or seclusion~~. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens.

(b) The following must be included in the incident report:

1. The name of the student restrained ~~or secluded~~.
2. The age, grade, ethnicity, and disability of the student restrained ~~or secluded~~.
3. The date and time of the event and the duration of the restraint ~~or seclusion~~.

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117 4. The location at which the restraint ~~or seclusion~~  
118 occurred.

119 5. A description of the type of restraint used in terms  
120 established by the department of Education.

121 6. The name of the person using or assisting in the  
122 restraint ~~or seclusion~~ of the student and the date the person  
123 was last trained in the use of positive behavior interventions  
124 and supports.

125 7. The name of any nonstudent who was present to witness  
126 the restraint ~~or seclusion~~.

127 8. A description of the incident, including all of the  
128 following:

129 a. The context in which the restraint ~~or seclusion~~  
130 occurred.

131 b. The student's behavior leading up to and precipitating  
132 the decision to use ~~manual or physical restraint or seclusion~~,  
133 including an indication as to why there was an imminent risk of  
134 serious injury ~~or death~~ to the student or others.

135 c. The ~~specific~~ positive behavior interventions and  
136 supports ~~behavioral strategies~~ used to prevent and deescalate  
137 the behavior.

138 d. What occurred with the student immediately after the  
139 termination of the restraint ~~or seclusion~~.

140 e. Any injuries, visible marks, or possible medical  
141 emergencies that may have occurred during the restraint ~~or~~  
142 ~~seclusion~~, documented according to district policies.

143 f. Evidence of steps taken to notify the student's parent  
144 or guardian.

145 g. The date the crisis intervention plan was last reviewed

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146 and whether changes were recommended.

147 (c) A school shall notify the parent or guardian of a  
148 student each time ~~manual or physical restraint or seclusion~~ is  
149 used. Such notification must be in writing and provided before  
150 the end of the school day on which the restraint ~~or seclusion~~  
151 occurs. Reasonable efforts must also be taken to notify the  
152 parent or guardian by telephone or ~~computer~~ e-mail, or both, and  
153 these efforts must be documented. The school shall obtain, and  
154 keep in its records, the parent's or guardian's signed  
155 acknowledgment that he or she was notified of his or her child's  
156 restraint ~~or seclusion~~.

157 (d) A school shall also provide the parent or guardian with  
158 the completed incident report in writing by mail within 3 school  
159 days after a student was ~~manually or physically restrained or~~  
160 ~~secluded~~. The school shall obtain, and keep in its records, the  
161 parent's or guardian's signed acknowledgment that he or she  
162 received a copy of the incident report.

163 (2) SECLUSION.—Each school district shall prohibit school  
164 personnel from using seclusion.

165 (8) MONITORING.—

166 (a) ~~Monitoring of~~ The use of ~~manual or physical restraint~~  
167 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the  
168 classroom, building, district, and state levels.

169 (b) Any documentation prepared by a school pursuant to ~~as~~  
170 ~~required in~~ subsection (7) ~~(1)~~ shall be provided to the school  
171 principal, the district director of Exceptional Student  
172 Education, and the bureau chief of the Bureau of Exceptional  
173 Education and Student Services electronically each month that  
174 the school is in session.

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(c) The department shall maintain aggregate data of incidents of ~~manual or physical restraint and seclusion~~ and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint ~~or seclusion~~ used. This information shall be updated monthly, de-identified, and made available to the public through the department's website no later than October 1, 2021.

(d) The department shall establish standards for documenting, reporting, and monitoring the incident reports related to the use of manual or physical restraint or mechanical restraint, and occurrences of seclusion. These standards shall be provided to school districts by October 1, 2011.

(3) RESTRAINT.

(a) Authorized school personnel may use restraint only when all positive behavior interventions and supports have been exhausted. Restraint may be used only when there is an imminent risk of serious injury and shall be discontinued as soon as the threat posed by the dangerous behavior has dissipated. Techniques or devices such as straightjackets, zip ties, handcuffs, or tie downs may not be used in ways that may obstruct or restrict breathing or blood flow or that place a student in a facedown position with the student's hands restrained behind the student's back. Restraint techniques may not be used to inflict pain to induce compliance.

(b) Notwithstanding the authority provided in s. 1003.32, restraint shall be used only to protect the safety of students, school personnel, or others and may not be used for student discipline or to correct student noncompliance.

(c) The degree of force applied during physical restraint

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must be only that degree of force necessary to protect the student or others from imminent risk of serious injury.

(4) SCHOOL DISTRICT POLICIES AND PROCEDURES.

(a) Each school district shall adopt approved behavioral interventions and restraint training, pursuant to State Board of Education rules, and identify all school personnel authorized to use the interventions. Each school district shall develop policies and procedures that are consistent with this section which and that govern the following:

1. Incident-reporting procedures.

2. Data collection and monitoring, including when, where, and why students are restrained and or secluded; the frequency of occurrences of such restraint ~~or seclusion~~; and the prone or mechanical restraint that is most used.

3. Monitoring and reporting of data collected.

4. Training programs and procedures relating to manual or physical restraint as described in subsection (3) and seclusion.

5. The district's plan for selecting personnel to be trained pursuant to this subsection.

6. The district's plan for reducing the use of restraint, ~~and seclusion~~ particularly in settings in which it occurs frequently or with students who are restrained repeatedly, ~~and for reducing the use of prone restraint and mechanical restraint~~. The plan must include a goal for reducing the use of restraint ~~and seclusion~~ and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:

a. Additional training in positive behavior interventions and supports. ~~behavioral support and crisis management;~~

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- 233 b. Parental involvement.~~†~~  
 234 c. Data review.~~†~~  
 235 d. Updates of students' functional behavioral analysis and  
 236 positive behavior intervention plans.~~†~~  
 237 e. Additional student evaluations.~~†~~  
 238 f. Debriefing with staff.~~†~~  
 239 g. Use of schoolwide positive behavior support.~~†~~ and  
 240 h. Changes to the school environment.  
 241 i. Analysis of data to determine trends.  
 242 j. Ongoing reduction of the use of restraint.  
 243 (b) Any revisions a school district makes to its ~~to the~~  
 244 ~~district's~~ policies and procedures pursuant to this section,  
 245 ~~which must be prepared as part of its special policies and~~  
 246 ~~procedures,~~ must be filed with the bureau chief of the Bureau of  
 247 Exceptional Education and Student Services within 90 days after  
 248 the revision no later than January 31, 2012.  
 249 (c) At the beginning of each school year, each school  
 250 district shall publicly post its policies and procedures on  
 251 positive behavior interventions and supports as adopted by the  
 252 school district.  
 253 (5) TRAINING.—Each school district shall provide training  
 254 to all school personnel authorized to use positive behavior  
 255 interventions and supports pursuant to school district policy.  
 256 Training shall be provided annually and must include:  
 257 (a) The use of positive behavior interventions and  
 258 supports.  
 259 (b) Risk assessment procedures to identify when restraint  
 260 may be used.  
 261 (c) Examples of when positive behavior interventions and

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- 262 support techniques have failed to reduce the imminent risk of  
 263 serious injury.  
 264 (d) Examples of safe and appropriate restraint techniques  
 265 and how to use these techniques with multiple staff members  
 266 working as a team.  
 267 (e) Instruction in the district's documentation and  
 268 reporting requirements.  
 269 (f) Procedures to identify and deal with possible medical  
 270 emergencies arising during the use of restraint.  
 271 (g) Cardiopulmonary resuscitation.  
 272  
 273 Each school district shall publish the procedures for the  
 274 training required under this subsection in the district's  
 275 special policies and procedures manual.  
 276 (6) CRISIS INTERVENTION PLAN.—  
 277 (a) Upon the second time a student is restrained during a  
 278 semester, the school shall develop a crisis intervention plan  
 279 for the student. The crisis intervention plan shall be developed  
 280 by a team comprised of the student's parent, school personnel,  
 281 and applicable physical and behavioral health professionals.  
 282 (b) The crisis intervention plan must include:  
 283 1. Specific positive behavior interventions and supports to  
 284 use in response to dangerous behaviors that create a threat of  
 285 imminent risk of serious injury.  
 286 2. Known physical and behavioral health concerns that will  
 287 limit the use of restraint for the student.  
 288 3. A timetable for the review and, if necessary, revision  
 289 of the crisis intervention plan.  
 290 (c) The school must provide a copy of the crisis

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intervention plan to the student's parent

~~(4) PROHIBITED RESTRAINT. School personnel may not use a mechanical restraint or a manual or physical restraint that restricts a student's breathing.~~

~~(5) SECLUSION. School personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.~~

Section 2. Section 1003.574, Florida Statutes, is created to read:

1003.574 Video cameras in public school classrooms; pilot program.—Beginning with the 2021-2022 school year, the Video Cameras in Public School Classrooms Pilot Program is created for a period of 3 school years.

(1) As used in this section, the term:

(a) "Incident" means an event, a circumstance, an act, or an omission that results in the abuse or neglect of a student by:

1. An employee of a public school or school district; or
2. Another student.

(b) "School district" means the Broward County Public Schools.

(c) "Self-contained classroom" means a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day.

(2) (a) A school district shall provide a video camera to any school with a self-contained classroom upon the written

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request of a parent of a student in the classroom.

(b) Within 30 days after receipt of the request from a parent, a video camera shall be operational in each self-contained classroom in which the parent's student is in regular attendance for the remainder of the school year, unless the parent withdraws his or her request in writing.

(3) If the student who is the subject of the initial request is no longer in attendance in the classroom and a school discontinues operation of a video camera during a school year, no later than the fifth school day before the date the operation of the video camera is discontinued, the school must notify the parents of each student in regular attendance in the classroom that operation of the video camera will cease unless the continued use of the camera is requested by a parent. No later than the 10th school day before the end of each school year, the school must notify the parents of each student in regular attendance in the classroom that operation of the video camera will not continue during the following school year unless a written request is submitted by a parent for the next school year.

(4) (a) A video camera placed in a self-contained classroom must be capable of all of the following:

1. Monitoring all areas of the self-contained classroom, including, without limitation, any room attached to the self-contained classroom which is used for other purposes.

2. Recording audio from all areas of the self-contained classroom, including, without limitation, any room attached to the self-contained classroom which is used for other purposes.

(b) A video camera placed in a self-contained classroom may

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not monitor a restroom or any other area in the self-contained classroom where a student changes his or her clothes, except for the entryway, exitway, or hallway outside a restroom or other area where a student changes his or her clothes because of the layout of the self-contained classroom.

(c) A video camera placed in a self-contained classroom is not required to be in operation when students are not present in the self-contained classroom.

(d) If there is an interruption in the operation of the video camera for any reason, an explanation must be submitted in writing to the school principal and the district school board which explains the reason for and duration of the interruption. The written explanation must be maintained at the district school board office for at least 1 year.

(5) Before a school initially places a video camera in a self-contained classroom pursuant to this section, the school shall provide written notice of the placement of such video camera to all of the following:

(a) The parent of each student who is assigned to the self-contained classroom.

(b) Each student who is assigned to the self-contained classroom.

(c) The school district.

(d) Each school employee who is assigned to work with one or more students in the self-contained classroom.

(6) A school shall:

(a) Retain video recorded from a video camera placed pursuant to this section for at least 3 months after the date the video was recorded, after which the recording shall be

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~~deleted or otherwise made irretrievable; or~~

(b) Retain the recording until the conclusion of any investigation or any administrative or legal proceedings that result from the recording have been completed, including, without limitation, the exhaustion of all appeals.

(7) A school or school district may not:

(a) Allow regular, continuous, or continual monitoring of videos recorded under this section; or

(b) Use videos recorded under this section for teacher evaluations or any purpose other than for ensuring the health, safety, and well-being of students receiving special education services in a self-contained classroom.

(8) The principal of the school is the custodian of a video camera operated pursuant to this section, all recordings generated by that video camera, and access to such recordings.

(a) The release or viewing of any video recording under this section must comply with s. 1002.22.

(b) A school or school district shall:

1. Conceal the identity of any student who appears in a video recording, but is not involved in the alleged incident documented by the video recording, which the school allows to be viewed under subsection (9), including, without limitation, blurring the face of the uninvolved student.

2. Protect the confidentiality of all student records contained in a video recording in accordance with s. 1002.22.

(9) (a) Within 7 days after receiving a request to view a video recording, a school or school district shall allow the following individuals to view a video recording made under this section:



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1. A school or school district employee who is involved in an alleged incident that is documented by the video recording as part of the investigative process;

2. A parent of a student who is involved in an alleged incident that is documented by the video recording and has been reported to the school or school district;

3. A school or school district employee as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the school or school district;

4. A law enforcement officer as part of an investigation into an alleged incident that is documented by the video recording and has been reported to the law enforcement agency; or

5. The Department of Children and Families as part of a child abuse or neglect investigation.

(b) A person who requests to view a recording shall make himself or herself available for viewing the recording within 30 days after being notified by the school or school district that the person's request has been granted.

(c) A person who views the recording and suspects that child abuse has occurred must report the suspected child abuse to the Department of Children and Families.

(10)(a) Any individual may appeal to the State Board of Education regarding an action by a school or school district which the individual alleges to be in violation of this section.

(b) The state board shall grant a hearing on an appeal under this subsection within 45 days after receiving the appeal.

(11) A school or school district does not violate

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subsection (8) if a contractor or other employee of the school or school district incidentally views a video recording made under this section in connection with the performance of his or her duties related to either of the following:

(a) The installation, operation, or maintenance of video equipment; or

(b) The retention of video recordings.

(12) This section does not:

(a) Limit the access of the parent of a student, under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, or any other law, to a video recording regarding his or her student.

(b) Waive any immunity from liability of a school district or an employee of a school district.

(c) Create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities required by this section.

(d) Apply to self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted.

(13) The department shall collect information relating to the installation and maintenance of video cameras under this section.

(14) The State Board of Education may adopt rules to implement this section.

Section 3. Section 1012.582, Florida Statutes, is amended to read:

1012.582 Continuing education and inservice training for

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teaching students with developmental and emotional or behavioral  
disabilities.—

(1) The Commissioner of Education shall develop recommendations to incorporate instruction regarding autism spectrum disorder, Down syndrome, ~~and~~ other developmental disabilities, and emotional or behavioral disabilities into continuing education or inservice training requirements for instructional personnel. These recommendations shall address:

(a) Early identification of, and intervention for, students who have autism spectrum disorder, Down syndrome, ~~or~~ other developmental disabilities, or emotional or behavioral disabilities.

(b) Curriculum planning and curricular and instructional modifications, adaptations, and specialized strategies and techniques.

(c) The use of available state and local resources.

(d) The use of positive behavior interventions and  
~~behavioral~~ supports to deescalate problem behaviors.

(e) ~~The Appropriate use of manual physical restraint and seclusion techniques,~~ positive behavior interventions and supports, and effective classroom behavior management strategies.

(2) In developing the recommendations, the commissioner shall consult with the State Surgeon General, the Director of the Agency for Persons with Disabilities, representatives from the education community in the state, and representatives from entities that promote awareness about autism spectrum disorder, Down syndrome, ~~and~~ other developmental disabilities, and emotional or behavioral disabilities and provide programs and

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services to persons with ~~developmental~~ disabilities, including, but not limited to, regional autism centers pursuant to s. 1004.55.

(3) Beginning with the 2010-2011 school year, the Department of Education shall incorporate the course curricula recommended by the Commissioner of Education, pursuant to subsection (1), into existing requirements for the continuing education or inservice training of instructional personnel. The requirements of this section may not add to the total hours required for continuing education or inservice training as currently established by the department.

(4) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 4. This act shall take effect July 1, 2021.



The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** March 23, 2021

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I respectfully request that **Senate Bill 192**, relating to Students with Disabilities in Public Schools, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Lauren Book".

---

Senator Lauren Book  
Florida Senate, District 32

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21  
Meeting Date

SB 192  
Bill Number (if applicable)

Topic Students with Disabilities in Public Schools Amendment Barcode (if applicable)

Name Brita "Breeta" Lincoln

Job Title legislative Committee

Address 1747 Orlando Central Pkwy Phone 407/355-7604  
Street  
Orlando, FL 32809 Email bwilkinlincoln@gmail.com  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

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Reset Form

THE FLORIDA SENATE

APPEARANCE RECORD

4/8/2021

Meeting Date

192

Bill Number (if applicable)

Topic Students with Disabilities in Public Schools

Amendment Barcode (if applicable)

Name Pamela Burch Fort

Job Title \_\_\_\_\_

Address 104 South Monroe Street

Phone 850-425-1344

Street

Tallahassee

FL

32301

Email TcgLobby@aol.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing NAACP Florida State Conference

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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4/8/21 Ed AP 11:30 A3

*Meeting Date*

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

192

*Bill Number (if applicable)*

Topic Students with Disabilities in Public Schools

*Amendment Barcode (if applicable)*

Name David Cullen

Job Title \_\_\_\_\_

Address 1934 Shelby Ct.

Phone 941-323-2404

*Street*

Tallahassee

FL

32308

Email cullenasea@gmail.com

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Advocacy Institute for Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: PCS/CS/SB 366 (441292)

INTRODUCER: Appropriations Subcommittee on Education; Education Committee; and Senator Hutson and others

SUBJECT: Educational Opportunities Leading to Employment

DATE: April 9, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Fav/CS</b>
2.	Underhill	Elwell	AED	<b>Recommend: Fav/CS</b>
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 366 modifies Florida's statutes to provide support for students in work-based learning programs, modify assessment requirements for initial student eligibility in dual enrollment programs, and provide relevant mathematics pathways. Specifically, the bill:

- Specifies that students in a preapprenticeship program or courses with a work-based component are deemed to be employees of the state for workers' compensation purposes for medically necessary care only.
- Clarifies that eligibility for initial enrollment in dual enrollment courses requires a student to demonstrate a level of achievement of college-level communication and computation skills through an approved common placement test or alternative method, to be approved by the State Board of Education.
- Eases plan development and reporting requirements for the implementation of developmental education strategies by FCS institutions for potential students entering dual enrollment courses.
- Requires a representative committee of State University System, district career centers, and FCS faculty to identify mathematics pathways aligned to programs, meta-majors, and careers.

The fiscal impact is discussed in section V.

The bill takes effect on July 1, 2021.

## 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:

### Work-based Learning

#### *Present Situation*

Federal legislation defines work-based learning (WBL) as “sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.”<sup>1</sup> Learning set in the real-world context of work not only makes academic learning more accessible to many students but also increases their engagement in schooling. WBL can play a crucial role in improving outcomes for at-risk students by increasing their engagement in learning, whether in or out of school.<sup>2</sup>

WBL takes many forms, such as internships, job shadowing, service learning, or preapprenticeships, and is defined by activities and experiences that occur when a student or worker:<sup>3</sup>

- Goes to a workplace or works with an employer; and
- Does meaningful job tasks that develop his or her skills, knowledge, and readiness for work and support entry or advancement in a particular career field.

WBL is comprised of identified courses that involve OJT, which is an instructional method whereby students acquire knowledge and skills exclusively on-site with a business or industry partner instead of a traditional classroom setting. WBL may also be delivered through utilization of the cooperative method of instruction which is delivered through formal classroom instruction and on-the-job learning, on-site, with a business or industry partner.<sup>4</sup>

Recent research, policy literature, and federal legislation suggest that comprehensive WBL programs contain three key components: the alignment of classroom and workplace learning; application of academic, technical, and employability skills in a work setting; and support from classroom or workplace mentors.<sup>5</sup>

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<sup>1</sup> 20 U.S.C. s. 2302; Perkins V (The Strengthening Career and Technical Education for the 21st Century Act) and other federal legislation reference and support work-based learning, including in the Every Student Succeeds Act of 2015 (ESSA), and the Workforce Innovation and Opportunity Act of 2014 (WIOA).

<sup>2</sup> Michael E. Wonacott, *The Impact of Work-Based Learning on Students*, ERIC Digest (2002), available at <https://files.eric.ed.gov/fulltext/ED472603.pdf>, at 2.

<sup>3</sup> Southern Regional Education Board, *Work-Based Learning*, <https://www.sreb.org/node/1923> (last visited Feb. 25, 2021).

<sup>4</sup> 20 U.S.C. s. 2302(10).

<sup>5</sup> United States Department of Education, *Work-Based Learning Toolkit*, <https://cte.ed.gov/wbltoolkit/> (Interact with the “WBL Framework” section) (last visited Feb. 25, 2021).



In 2019-2020, there were 23,258 students enrolled in secondary on-the-job training, preapprenticeship, work experience, and other WBL courses.<sup>6</sup>

### Workers' Compensation

Workers' compensation is a form of insurance designed to provide wage replacement and medical benefits for employees who are injured in the course of employment, in exchange for giving up the right to sue the employer for negligence.<sup>7</sup> In Florida, workers' compensation is governed by ch. 440, F.S., the "Workers' Compensation Law." The law prescribes coverage requirements, medical and indemnity benefits, the rights and responsibilities of employers, injured employees, medical providers, and carriers, as well as procedures for dispute resolution.

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.<sup>8</sup> For such injuries, an employer is responsible for providing medical treatment<sup>9</sup> and compensation in the event of employee disability<sup>10</sup> or death.<sup>11</sup> Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.<sup>12</sup>

### State Risk Management Program

The Division of Risk Management (DRM)<sup>13</sup> located within the Department of Financial Services (DFS) is responsible for ensuring that state agencies and universities participating in the state's self-insurance program receive quality coverage for workers' compensation, general liability, federal civil rights, auto liability, and property insurance at reasonable rates. The DRM's operations and the state's insurance coverage are funded by annual agency assessments, which are deposited into the State Risk Management Trust Fund (SRMTF). The SRMTF provides coverage that protects state property and workforce members that are exposed to the risk of financial losses through damage, injuries, and alleged negligent or improper acts.<sup>14</sup>

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

The bill creates s. 446.54, F.S., to provide a definition of "work-based learning" to include "on-the-job training" and mean interactions with industry or community professionals in off-campus workplaces which foster in-depth, firsthand engagement with the tasks required in a given career field and which are aligned to curriculum and instruction. The bill encourages school districts to place students in paid work experiences for purposes of educational training and WBL and defines WBL as it relates to public K-12 education to mean sustained interactions with industry or community professionals in workplace settings, to the extent practicable, or simulated

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<sup>6</sup> Email, Florida Department of Education (Mar. 1, 2021).

<sup>7</sup> See *Jones v. Martin Elecs., Inc.*, 932 So. 2d 1100, 1108 (Fla. 2006).

<sup>8</sup> Section 440.09(1), F.S.

<sup>9</sup> Section 440.13, F.S.

<sup>10</sup> Section 440.15, F.S.

<sup>11</sup> Section 440.16, F.S.

<sup>12</sup> Division of Workers' Compensation, *Coverage Requirements*, <https://www.myfloridacfo.com/division/wc/Employer/coverage.htm> (last visited on Feb. 25, 2021).

<sup>13</sup> Section 20.121(2)(h), F.S.

<sup>14</sup> Florida Department of Economic Opportunity, Economic and Demographic Research, *Risk Management Trust Fund* (Dec. 18, 2019), available at <http://edr.state.fl.us/Content/conferences/riskmanagement/riskmanagementexecsumm.pdf>.

environments that foster in-depth, firsthand engagement with the tasks required in a given career field, that align with curriculum and instruction, and that are provided in partnership with an educational institution.

The bill provides that:

- An individual 18 years of age or younger who is enrolled in a preapprenticeship program, as defined in s. 446.021, F.S., which requires work-based learning and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers' compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.
- A student in grades 6 through 12 who is enrolled in a course identified in the Course Code Directory which incorporates a work-based learning component or an activity that is unpaid and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers' compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.

The bill provides that work-based learning may be paid or unpaid and may be delivered in a stand-alone, work-based learning course that results in high school credit or may be a component of an existing course which may use the cooperative method of instruction. As it relates to postsecondary education, the bill defines cooperative method of instruction as an instructional methodology that provides students enrolled in career education programs an opportunity to extend their employment preparation beyond the classroom through participation in concurrent career education instruction through regularly scheduled on-the-job training experiences.

The designation of preapprenticeship and WBL program students as employees of the state for the purposes of workers' compensation medical claims may increase the financial liability of the state, but may encourage more employers, who otherwise would not participate due to concerns about assuming liability for a minor, to partner with school districts to sponsor such programs. The provisions in the bill may allow more students under 18 to participate in WBL opportunities.

## **Florida College System Institution Admissions**

### ***Present Situation***

#### **Admissions Requirements for FCS Institutions**

Each FCS institution board of trustees is authorized to adopt rules governing admissions of students subject to requirements provided in law and rules of the SBE.<sup>15</sup>

Admissions counseling must be provided to all students entering college or career credit programs. Counseling must use tests to measure achievement of college-level communication and computation competencies by students entering college credit programs or tests to measure achievement of basic skills for students entering career education programs. Counseling includes providing developmental education options for students whose assessment results indicate that

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<sup>15</sup> Section 1007.263, F.S.

they need to improve communication or computation skills that are essential to perform college-level work.<sup>16</sup>

Each FCS institution board of trustees is required to develop a plan to implement developmental education strategies through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction. Each plan must include certain minimum requirements that are specified in law.<sup>17</sup>

FCS institutions are also required to annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.<sup>18</sup>

Admission to associate degree programs is subject to minimum standards adopted by the SBE and requires:

- A standard high school diploma, a high school equivalency diploma as prescribed in law,<sup>19</sup> previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of law. Students who are enrolled in a dual enrollment or early admission program are exempt from this requirement.
- A demonstrated level of achievement of college-level communication and computation skills.
- Any other requirements established by the FCS board of trustees.<sup>20</sup>

#### Student Eligibility for 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. A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student. An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that provides a secondary curriculum.<sup>21</sup>

Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and the minimum score on a common placement test adopted by the SBE which indicates that the student is ready for college-level coursework. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point

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<sup>16</sup> Section 1007.263(1), F.S.

<sup>17</sup> Sections 1008.30(5) and 1008.02(1), F.S.

<sup>18</sup> Section 1008.30(5), F.S.

<sup>19</sup> Section 1003.435, F.S., specifies the requirements for earning a high school equivalency diploma.

<sup>20</sup> Section 1007.263(2), F.S.

<sup>21</sup> Section 1007.271(1) and (2), F.S.

average.<sup>22</sup> FCS institution boards of trustees may establish additional initial student eligibility requirements, which must be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction.<sup>23</sup>

#### Common Placement Testing for Public Postsecondary Education

The SBE, in conjunction with the BOG, has implemented common placement testing requirements<sup>24</sup> for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. The common placement testing program must include the capacity to diagnose the basic competencies in the areas of English, reading, and mathematics that are essential for success in meta-majors and the capacity to provide test information to students on the specific skills the student needs to attain.<sup>25</sup>

#### Assessment of Career Education Program Basic Skills

The SBE is required to adopt standards of basic skill mastery for completion of certificate career education programs and to designate examinations to assess mastery. Students who enroll in a program offered for career credit of 450 hours or more must complete an entry-level examination within the first six weeks after admission into the program. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program. Certain students are exempted from this requirement.<sup>26</sup>

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

#### Admissions Requirements for FCS Institutions

The bill modifies s. 1007.263, F.S., to provide flexibility to FCS institutions in their admissions requirements for entering students. Specifically, the bill authorizes FCS institutions to accept:

- Alternate methods, to be approved by the state board, to measure achievement of college level communication and computation competencies by students entering college credit programs.
- For admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by SBE rule and is based on an assessment recognized by the United States Department of Education.

The bill requires that admissions counseling at FCS institutions measure achievement of basic skills for career education programs, which may direct a student to developmental education to improve communication and computation skills.

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<sup>22</sup> Section 1007.271(3), F.S. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement developed by the district school superintendent and the public postsecondary institution president through an articulation committee, as specified in s. 1007.271(21).

<sup>23</sup> Section 1007.271(3), F.S.

<sup>24</sup> The state board has adopted rules 6A-14.064 and 6A-10.0315, F.A.C., to govern assessment requirements for determining initial student eligibility for dual enrollment programs.

<sup>25</sup> Section 1008.30(1) and (2), F.S.

<sup>26</sup> Section 1004.91(1)-(3), F.S.

The bill also modifies s. 1008.30, F.S., to remove outdated language related to a requirement that FCS institutions develop and submit a developmental education plan to the Chancellor of the FCS. In addition, the bill removes the requirement that the FCS annually prepare an accountability report that includes student success data relating to each developmental education strategy and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.

#### Student Eligibility for Dual Enrollment Programs

The bill modifies the mechanism in s. 1007.271, F.S., for assessing the readiness of a student for initial enrollment in college credit dual enrollment courses. In addition to achievement by a student of the minimum score on a common placement test, the bill authorizes a student to demonstrate a level of achievement of college-level communication and computation skills via an alternative method of assessment.

#### Common Placement Testing for Public Postsecondary Education

The bill modifies s. 1008.30, F.S., to require, by January 31, 2022, the SBE to adopt rules to develop and implement alternative methods for assessing the basic computation and communication skills of students who intend to enter a degree program at a FCS institution. The bill authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in computation and communication. The bill removes the requirement that the common placement testing program include the capacity to diagnose certain basic competencies in the areas of English, reading, and mathematics. The bill also specifies that students who are currently exempt from common placement testing requirements are also exempt from the college readiness assessment established in the bill.

### **Mathematics Pathways**

#### *Present Situation*

##### Statewide Articulation Agreement

The SBE and the BOG are required to enter into a statewide articulation agreement. The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities.<sup>27</sup> The agreement requires state university BOT, FCS BOT, and district school boards to adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.<sup>28</sup>

##### Academic Pathways

The SBE, in consultation with the BOG, is required to approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major. FCS institutions use placement test results to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-

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<sup>27</sup> Section 1007.23(1), F.S.

<sup>28</sup> Rule 6A-10.024(1), F.A.C.

major. FCS institutions counsel students into college credit courses as quickly as possible, with developmental education limited to the content needed for success in the meta-major.<sup>29</sup>

The purpose of meta-major academic pathways is to advise FCS system associate degree seeking students of the gateway courses that are aligned with their intended academic and career goals. The meta-major academic pathways in SBE rule are established in the following areas:

- Arts, humanities, communication and design.
- Business.
- Education.
- Health sciences.
- Industry/manufacturing and construction.
- Public Safety.
- Science, technology, engineering, and mathematics.
- Social and behavioral sciences and human services.<sup>30</sup>

In 2018, the Florida Student Success Center<sup>31</sup> established three workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education systems. The charge to the workgroups was to explore complex issues surrounding mathematics pathways to prepare high school students for transition into FCS institutions, and FCS institution students for transition into four-year universities. More than 90 mathematics faculty, administrators and key stakeholders from Florida's K-12 system, the FCS, and the SUS served as members of the workgroups in 2018-19. Among the 12 recommendations, the workgroups recommended creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.<sup>32</sup>

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

The bill modifies s. 1007.23, F.S., to require the statewide articulation agreement to specify three mathematics pathways, which are aligned to programs, meta-majors, and careers, on which degree-seeking students must be placed. The bill specifies the purpose of the pathways is to facilitate seamless transfer, reduce excess credit hours, and ensure that students are taking the relevant courses needed for their future careers. To accomplish the identification of the mathematics pathways, the bill requires a representative committee of State University System, district career centers, and FCS faculty to collaborate to identify the three pathways.

The bill removes the requirement that the SBE, in consultation with the BOG, approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major.

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<sup>29</sup> Section 1008.30(4) and (5), F.S.

<sup>30</sup> Rule 6A-14.065, F.A.C.

<sup>31</sup> The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, *Florida Student Success Center*, <https://www.floridacollegesystemfoundation.org/florida-student-success-center-home> (last visited Feb. 25, 2021).

<sup>32</sup> The Florida College System, *Mathematics Re-Design*, <https://www.floridacollegesystemfoundation.org/fssc-math-redesign> (last visited Feb. 25, 2021).

The bill also modifies s. 1009.25, F.S., to authorize the State Board of Education (SBE) and the Board of Governors of the State University System of Florida (BOG) to adopt rules and regulations, regarding documentation and procedures to implement a fee waiver for a student who is homeless.<sup>33</sup>

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Department of Financial Services, Division of Risk Management (DRM) estimates that the workers' compensation coverage provisions would cause additional claims costs for covering participants in preapprenticeship and work-based learning programs. The bill provides a \$2 million nonrecurring appropriation from the General Revenue Fund to the State Risk Management Trust Fund in the Department of Financial Services for worker's compensation costs associated with the provisions of the bill. The bill also

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<sup>33</sup> A homeless student is defined as a student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. Section 1009.25(1)(f), F.S.

provides an appropriation for two FTE positions to the Department of Financial Services out of the trust fund to implement the worker's coverage provisions of the bill.

Depending on the number and severity of future claims, the increase in workers' compensation loss payments and operational costs to the Risk Management Trust Fund could result in a long-term need for additional premium to be charged to the state agencies to cover these losses.

School districts that pay workers' compensation expenses for participants in work-based learning programs would likely see a reduction in workers' compensation costs. The reduction in workers' compensation costs is indeterminate.<sup>34</sup>

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1007.23, 1007.263, 1007.271, 1008.30, and 1009.25.

This bill creates section 446.54 of 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.)

##### **Recommended CS/CS by the Appropriations Subcommittee on Education on April 8, 2021:**

The CS/CS makes the following changes:

- Removes modifications from the bill, provisions related to:
  - Apprenticeship and preapprenticeship programs.
  - CAPE Industry Certification Funding List.
- Provides an appropriation and two FTE positions to the Department of Financial Services for worker's compensation for anticipated claims associated with participants in the work-based learning programs.

##### **CS by Education Committee on March 2, 2021:**

The committee substitute:

- Changes the title of the bill to an act related to educational opportunities leading to employment.

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<sup>34</sup>Florida Department of Financial Services, *2021 Legislative Bill Analysis for SB 366* (Apr. 4, 2021).



- Modifies legislative intent regarding apprenticeships to:
  - Expand legislative intent to encourage apprenticeship programs that lead to any postsecondary credential. The bill encourages only the programs that lead to college credit or a degree.
  - Clarify that the responsibility of the Department of Education (DOE) over minimum standards applies only to apprenticeship and preapprenticeship programs *that are registered*.
- Modifies the duties of the DOE to:
  - Provide that the DOE must include information and resources related to preapprenticeship programs in its annual apprenticeship report.
  - Add that the DOE must provide assistance to postsecondary educational institutions in notifying the community of apprenticeship and preapprenticeship opportunities.
  - Clarify that the DOE must ensure that equal opportunity for apprentices, preapprentices, and applicants for apprenticeships and preapprenticeships is provided for the apprenticeship and preapprenticeship programs.
- Modifies additional work-based learning program provisions. Specifically, the committee substitute:
  - Modifies provisions of the bill directed toward state universities and Florida College System (FCS) institutions and includes all postsecondary educational institutions.
  - Removes the requirement of the bill that defines apprentices as employees of the state for purposes of workers' compensation coverage for medical benefits. The amendment retains other provisions of the bill deeming preapprentices and students in work-based learning as employees of the state for workers' compensation coverage for medical benefits.
  - Defines "work-based learning," as it relates to public k-12 education, to mean sustained interactions with industry or community professionals in workplace settings, to the extent practicable, or simulated environments that foster in-depth, firsthand engagement with the tasks required in a given career field, that align with curriculum and instruction, and that are provided in partnership with an educational institution.
  - Defines "cooperative method of instruction," as it relates to postsecondary education, to mean an instructional methodology that provides students enrolled in career education programs an opportunity to extend their employment preparation beyond the classroom through participation in concurrent career education instruction through regularly scheduled on-the-job training experiences.
  - Removes a provision of the bill providing for guaranteed licenses for apprenticeship program completers.
- Modifies provisions related to the middle school course in career and education planning, by:
  - Removing a provision of the bill authorizing the Florida Virtual School to offer a course in career and education planning.
  - Removing a provision of the bill that would have made the required course in career and education planning optional for students in middle grades.
- Modifies provisions relating to K-12 career and technical education, by:

- Removing the requirement of the bill that opportunities for learning computer science in elementary school include computational thinking and foundational computer science skills, and retains current law that makes the skills optional.
- Removing a provision of the bill that modifies the authorized uses of funds for computer science instruction.
- Removing a provision of the bill authorizing school districts or regional consortia to work with national providers to submit recommended career-themed courses to the DOE for state board approval.
- Granting the DOE rulemaking authority over the administration of the CAPE Act.
- Modifies provisions relating to FCS institution admissions and student progression.  
The committee substitute:
  - Authorizes alternate methods, to be approved by the state board, to measure achievement of college level communication and computation competencies by students entering college credit programs.
  - Authorizes associate degree programs to accept a high school equivalency diploma issued by another state, as approved by the State Board of Education (SBE).
  - Clarifies that student eligibility for initial enrollment in dual enrollment courses includes a demonstrated level of achievement of college-level communication and computation skills through an approved common placement test or alternative method as adopted by the SBE.
  - Removes a requirement of existing law that the common placement testing program include the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential for success in meta-majors and to provide test information to students on the specific skills the student needs to attain.
  - Requires the SBE, by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic computation and communication skills of students who intend to enter a degree program at an FCS institution. The amendment authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in computation and communication.
  - Removes the requirement of existing law for FCS institutions to submit to the Chancellor of the FCS for approval implemented developmental education strategies through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction.
  - Adds alternative methods to the requirement for in current law for FCS institutions to use placement test results as established by the SBE to determine the extent to which each student demonstrates sufficient computation and communication skills to indicate readiness for his or her chosen meta-major and to counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major.
  - Removes a requirement of existing law that each FCS institution annually prepare and submit to state officials an accountability report that includes student success

data relating to each developmental education strategy implemented by the institution.

- Provides for a representative committee of State University System, certain career centers established by district school boards, and FCS faculty, instead of the representative workgroup of the Articulation Coordinating Committee required by the bill, to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs and careers.
- Modifies workforce and postsecondary financial provisions. The committee substitute:
  - Removes the additional full-time-equivalent (FTE) weights for industry certifications associated with aviation-related and aerospace-related occupations and instead provides additional FTE weight for industry certifications that lead to occupations in critical industry sectors as identified by the Department of Education and included on the Career and Professional Education (CAPE) industry funding list.
  - Authorizes a technical center operated by a school district, an FCS institution, or a state university to enter into an agreement with another entity to cover the approved apprenticeship program student tuition and fees, including lab fees.
  - Authorizes the SBE and the Board of Governors of the State University System of Florida to adopt rules and regulations regarding requirements for fee waivers for homeless students.
  - Modifies the provisions of the bill authorizing school districts and FCS institutions to earn an additional \$2000 for workforce education programs that lead to industry certification in critical industry sectors to instead provide an additional \$2000 for school districts and FCS institutions for industry certifications earned by students in workforce education programs that are identified as leading to employment in critical industry sectors.
  - Requires a district school board or FCS institution board of trustees that receives workforce performance funding to use at least 70 percent of the funds received to directly support the program that generated the funds.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
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Appropriations Subcommittee on Education (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 446.54, Florida Statutes, is created to  
read:

446.54 Work-based learning.—

(1) It is the intent of the Legislature that, to the extent  
possible, school districts place students in paid work  
experiences, including apprenticeships and preapprenticeships,



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for purposes of educational training and work-based learning.

(2) For purposes of this section, "work-based learning" includes "on-the-job training" as defined in s. 446.021 and means sustained interactions with industry or community professionals in off-campus workplace settings that foster in-depth firsthand engagement with the tasks required in a given career or field and are aligned to curriculum and instruction.

(3) (a) A student in grades 6 through 12 who is enrolled in a course identified in the Course Code Directory which incorporates a work-based learning component or an activity that is unpaid and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers' compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.

(b) An individual 18 years of age or younger who is enrolled in a preapprenticeship program as defined in s. 446.021 which requires work-based learning and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers' compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.

Section 2. Present subsections (3) through (8) of section 1007.23, Florida Statutes, are redesignated as subsections (4) through (9), respectively, and a new subsection (3) is added to that section, to read:

1007.23 Statewide articulation agreement.—

(3) To facilitate seamless transfer of credits, reduce excess credit hours, and ensure students are taking the courses



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needed for their future career, the articulation agreement must establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers. A representative committee consisting of State University System faculty, faculty of career centers established under s. 1001.44, and Florida College System faculty shall collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs and careers.

Section 3. Subsection (1) and paragraph (a) of subsection (2) of section 1007.263, Florida Statutes, are amended to read:  
1007.263 Florida College System institutions; admissions of students.—Each Florida College System institution board of trustees is authorized to adopt rules governing admissions of students subject to this section and rules of the State Board of Education. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college or career credit programs. For students who are not otherwise exempt from testing under s. 1008.30, counseling must use the tests or alternative methods established by the State Board of Education under to s. 1008.30 to measure achievement of college-level communication and computation competencies by students entering college credit programs ~~or tests to measure achievement of basic skills for career education programs as prescribed in s. 1004.91~~. Counseling must measure achievement of basic skills for career education programs under s. 1004.91. Counseling includes providing developmental education options for students whose ~~assessment~~



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results, determined under s. 1008.30, indicate that they need to improve communication or computation skills that are essential to perform college-level work.

(2) Admission to associate degree programs is subject to minimum standards adopted by the State Board of Education and shall require:

(a) A standard high school diploma; a State of Florida high school equivalency diploma awarded under s. 1003.435(2); a high school equivalency diploma issued by another state which is recognized as equivalent by State Board of Education rule and is based on an assessment recognized by the United States Department of Education; as prescribed in s. 1003.435, previously demonstrated competency in college credit postsecondary coursework; or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 1002.41. Students who are enrolled in a dual enrollment or early admission program pursuant to s. 1007.271 are exempt from this requirement.

Each board of trustees shall establish policies that notify students about developmental education options for improving their communication or computation skills that are essential to performing college-level work, including tutoring, extended time in gateway courses, free online courses, adult basic education, adult secondary education, or private provider instruction.

Section 4. Subsection (3) and paragraph (b) of subsection (13) of section 1007.271, Florida Statutes, are amended to read:



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1007.271 Dual enrollment programs.—

(3) Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and a demonstrated level of achievement of college-level communication and computation skills as provided under s. 1008.30(1) or (2) ~~the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework.~~ Student eligibility requirements for continued enrollment in college credit dual enrollment courses must include the maintenance of a 3.0 unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement established under ~~pursuant to~~ subsection (21). Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary





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instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution.

(13)

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution. Any course or program limitations may not exceed the limitations for other dually enrolled students.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students. A high school grade point average may not be required for home education students who demonstrate achievement of college-level communication and computation skills as provided under s. 1008.30(1) or (2) ~~meet the minimum score on a common placement test adopted by the~~



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~~State Board of Education which indicates that the student is~~  
~~ready for college-level coursework;~~ however, home education  
student eligibility requirements for continued enrollment in  
dual enrollment courses must include the maintenance of the  
minimum postsecondary grade point average established by the  
postsecondary institution.

3. The student's responsibilities for providing his or her  
own transportation.

4. A copy of the statement on transfer guarantees developed  
by the Department of Education under subsection (15).

Section 5. Section 1008.30, Florida Statutes, is amended to  
read:

1008.30 Assessing college-level communication and  
computation skills ~~Common placement testing~~ for public  
postsecondary education.—

(1) The State Board of Education, in conjunction with the  
Board of Governors, shall develop and implement a common  
placement test for the purpose of assessing the basic  
communication and computation ~~and communication~~ skills of  
students who intend to enter a degree program at any public  
postsecondary educational institution. Alternative assessments  
that may be accepted in lieu of the common placement test shall  
also be identified in rule. Public postsecondary educational  
institutions shall provide appropriate modifications of the test  
instruments or test procedures for students with disabilities.

(2) By January 31, 2022, the State Board of Education shall  
adopt rules to develop and implement alternative methods for  
assessing the basic communication and computation skills of  
students who intend to enter a degree program at a Florida



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College System institution. Florida College System institutions may use these alternative methods in lieu of the common placement tests under subsection (1) to assess student readiness for college-level work in communication and computation. ~~The common placement testing program shall include the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential for success in meta-majors and to provide test information to students on the specific skills the student needs to attain.~~

(3) ~~By October 31, 2013, the State Board of Education shall establish by rule the test scores a student must achieve to demonstrate readiness to perform college-level work, and The rules adopted under subsection (2) must specify the following:~~

(a) A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United States Armed Services is shall not be required to be assessed for readiness for college-level work in communication and computation ~~take the common placement test~~ and is shall not be required to enroll in developmental education instruction in a Florida College System institution. However, a student who is not required to be assessed for readiness for college-level work in communication and computation ~~take the common placement test~~ and is not required to enroll in developmental education under this paragraph may opt to be assessed and to enroll in developmental education instruction, and the college shall provide such assessment and instruction upon the student's request.



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(b) A student who is assessed for readiness for college-level computation and communication and whose assessment results indicate ~~takes the common placement test and whose score on the test indicates~~ a need for developmental education must be advised of all the developmental education options offered at the institution and, after advisement, may ~~shall be allowed to~~ enroll in the developmental education option of his or her choice.

(c) A student who demonstrates readiness by achieving or exceeding the test scores established by the state board and enrolls in a Florida College System institution within 2 years after achieving such scores shall not be required to retest or complete developmental education when admitted to any Florida College System institution.

~~(4) (a) By December 31, 2013, the State Board of Education, in consultation with the Board of Governors, shall approve a series of meta-majors and the academic pathways that identify the gateway courses associated with each meta-major. Florida College System institutions shall use placement test results to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major. Florida College System institutions shall counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major.~~

~~(5) (a)~~ Each Florida College System institution ~~board of trustees~~ shall ~~develop a plan to~~ implement the developmental education strategies defined in s. 1008.02 and rules established by the State Board of Education. ~~The plan must be submitted to~~



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~~the Chancellor of the Florida College System for approval no later than March 1, 2014, for implementation no later than the fall semester 2014. Each plan must include, at a minimum, local policies that outline:~~

~~1. Documented student achievements such as grade point averages, work history, military experience, participation in juried competitions, career interests, degree major declaration, or any combination of such achievements that the institution may consider, in addition to common placement test scores, for advising students regarding enrollment options.~~

~~2. Developmental education strategies available to students.~~

~~3. A description of student costs and financial aid opportunities associated with each option.~~

~~4. Provisions for the collection of student success data.~~

~~5. A comprehensive plan for advising students into appropriate developmental education strategies based on student success data.~~

~~(b) Beginning October 31, 2015, Each Florida College System institution shall use placement test results or alternative methods as established by the State Board of Education to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major. Florida College System institutions shall counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major annually prepare an accountability report that includes student success data relating to each developmental education strategy~~



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~~implemented by the institution. The report shall be submitted to the Division of Florida Colleges by October 31 in a format determined by the Chancellor of the Florida College System. By December 31, the chancellor shall compile and submit the institutional reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education.~~

(c) A university board of trustees may contract with a Florida College System institution board of trustees for the Florida College System institution to provide developmental education on the state university campus. Any state university in which the percentage of incoming students requiring developmental education equals or exceeds the average percentage of such students for the Florida College System may offer developmental education without contracting with a Florida College System institution; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide developmental education instruction as defined in s. 1008.02(1).

~~(5)(6)~~ A student may not be enrolled in a college credit mathematics or English course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation in on the section of the basic computation and communication and computation skills assessment required pursuant to subsection (1) that is appropriate for successful student participation in the course.

Section 6. Paragraph (f) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—



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(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This includes a student who would otherwise meet the requirements of this paragraph, as determined by a college or university, but for his or her residence in college or university dormitory housing. The State Board of Education may adopt rules and the Board of Governors may adopt regulations regarding documentation and procedures to implement this paragraph.

Section 7. This act shall take effect July 1, 2021.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to educational opportunities leading to employment; creating s. 446.54, F.S.; providing legislative intent; defining the term "work-based learning"; providing that certain individuals enrolled in work-based learning are deemed to be employees of the state for purposes of receiving certain medically necessary care under workers' compensation coverage;



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amending s. 1007.23, F.S.; requiring that the statewide articulation agreement specify three mathematics pathways that meet a certain requirement upon which degree-seeking students must be placed; amending s. 1007.263, F.S.; requiring admissions counseling to use certain tests or alternative methods to measure achievement of college-level communication and computation by students entering college programs; requiring that such counseling measure achievement of certain basic skills; revising requirements for admission to associate degree programs; amending s. 1007.271, F.S.; revising eligibility requirements for initial enrollment in college-level dual enrollment courses; revising requirements for home education students seeking dual enrollment in certain postsecondary institutions; amending s. 1008.30, F.S.; requiring the State Board of Education to adopt, by a specified date, rules establishing alternative methods for assessing communication and computation skills of certain students; authorizing Florida College System institutions to use such alternative methods in lieu of the common placement test to assess a student's readiness to perform college-level work in communication and computation; deleting obsolete provisions; requiring Florida College System institutions to use placement test results or alternative methods to determine the extent to which certain students demonstrate sufficient communication and computation skills to indicate readiness for their





627820

359 meta-major; requiring Florida College System  
360 institutions to counsel and place certain students in  
361 specified college courses; limiting students'  
362 developmental education to content needed for success  
363 in their meta-major; conforming provisions to changes  
364 made by the act; making technical changes; amending s.  
365 1009.25, F.S.; authorizing the State Board of  
366 Education to adopt specified rules and the Board of  
367 Governors to adopt specified regulations; providing an  
368 effective date.



511432

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
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Appropriations Subcommittee on Education (Hutson) recommended the following:

**Senate Amendment to Amendment (627820) (with title amendment)**

Between lines 316 and 317  
insert:

Section 7. For the 2021-2022 Fiscal Year, the nonrecurring sum of \$2 million is appropriated from the General Revenue Fund to the State Risk Management Trust Fund in the Department of Financial Services for worker's compensation costs associated with participants under s. 446.54, Florida Statutes. The funds



511432

shall not be included or combined with the premiums otherwise  
due from the Department of Education pursuant to chapter 284,  
but are credited on behalf of the Department of Education.

Section 8. For the 2021-2022 Fiscal Year, two full-time  
equivalent positions with associated salary rate of 76,787 are  
authorized, and the sums of \$127,190 in recurring funds and  
\$7,790 in nonrecurring funds from the State Risk Management  
Trust Fund are appropriated to the Department of Financial  
Services for the purpose of implementing the workers'  
compensation coverage provisions of this act.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete line 367

and insert:

Governors to adopt specified regulations; providing an  
appropriation; authorizing positions; providing an



264204

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/09/2021	.	
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Appropriations Subcommittee on Education (Hutson) recommended the following:

**Senate Amendment**

Delete line 158  
and insert:  
~~combined with academic-related classroom experiences. The~~  
Legislature also finds that existing registered apprenticeship  
programs sponsored by building trade industry partners which  
provide on-the-job training combined with academic-related  
classroom experiences have been proven successful in providing  
high-quality job opportunities for apprentices in the building



264204

11 trade. The Legislature recognizes that these registered  
12 apprenticeship programs are successful when run by industry  
13 employers that can provide on-the-job training overseen by  
14 licensed journeymen. Participants in these programs also may  
15 benefit from credential opportunities provided by postsecondary  
16 institutions. Moreover,

By the Committee on Education; and Senators Hutson and Brodeur

581-02347-21

2021366c1

1 A bill to be entitled  
 2 An act relating to educational opportunities leading  
 3 to employment; amending s. 446.011, F.S.; revising  
 4 legislative intent related to apprenticeship training;  
 5 amending s. 446.021, F.S.; defining and redefining  
 6 terms; amending s. 446.032, F.S.; revising the general  
 7 duties of the Department of Education with regard to  
 8 apprenticeship and preapprenticeship programs;  
 9 amending s. 446.041, F.S.; requiring the department to  
 10 regularly review and evaluate its uniform minimum  
 11 standards for apprenticeship and preapprenticeship  
 12 programs; conforming provisions to changes made by the  
 13 act; requiring the department to ensure that equal  
 14 opportunity for apprentices, preapprentices, and  
 15 applicants for apprenticeship and preapprenticeship is  
 16 provided for the apprenticeship and preapprenticeship  
 17 programs; amending s. 446.045, F.S.; conforming  
 18 provisions to changes made by the act; revising the  
 19 membership of the State Apprenticeship Advisory  
 20 Council; revising meeting requirements; amending s.  
 21 446.051, F.S.; providing that apprenticeship or  
 22 preapprenticeship program sponsors are responsible for  
 23 the selection and training of certain personnel, as  
 24 approved by the department; encouraging district  
 25 school boards and postsecondary educational  
 26 institutions to cooperate in providing certain  
 27 equipment, supplies, and instructor salaries; amending  
 28 s. 446.052, F.S.; encouraging specified entities to  
 29 cooperate in developing and establishing

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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2021366c1

30 apprenticeship and preapprenticeship programs that  
 31 include career instruction; encouraging specified  
 32 entities to work together toward specified goals  
 33 relating to apprenticeship programs; amending s.  
 34 446.071, F.S.; providing that certain entities may be  
 35 approved as apprenticeship sponsors if they meet  
 36 certain uniform minimum standards; removing the  
 37 definition of the term "need"; conforming provisions  
 38 to changes made by the act; amending s. 446.081, F.S.;  
 39 revising construction; repealing s. 446.091, F.S.,  
 40 relating to the adaptation and applicability of  
 41 certain provisions to on-the-job training programs;  
 42 amending s. 446.092, F.S.; revising criteria for  
 43 apprenticeship occupations; creating s. 446.54, F.S.;  
 44 providing legislative intent; defining the term "work-  
 45 based learning"; providing that certain individuals  
 46 enrolled in work-based learning are deemed to be  
 47 employees of the state for purposes of receiving  
 48 certain medically necessary care under workers'  
 49 compensation coverage; amending s. 1003.01, F.S.;  
 50 defining the term "work-based learning"; amending s.  
 51 1003.491, F.S.; authorizing the department to adopt  
 52 rules; amending s. 1004.02, F.S.; defining the term  
 53 "cooperative method of instruction"; amending s.  
 54 1007.23, F.S.; requiring that the statewide  
 55 articulation agreement specify three mathematics  
 56 pathways that meet a certain requirement upon which  
 57 degree-seeking students must be placed; amending s.  
 58 1007.263, F.S.; requiring admissions counseling to use

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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2021366c1

59 certain tests or alternative methods to measure  
 60 achievement of college-level communication and  
 61 computation by students entering college programs;  
 62 requiring that such counseling measure achievement of  
 63 certain basic skills; revising requirements for  
 64 admission to associate degree programs; amending s.  
 65 1007.271, F.S.; revising eligibility requirements for  
 66 initial enrollment in college-level dual enrollment  
 67 courses; revising requirements for home education  
 68 students seeking dual enrollment in certain  
 69 postsecondary institutions; amending s. 1008.30, F.S.;  
 70 requiring the State Board of Education to adopt, by a  
 71 specified date, rules establishing alternative methods  
 72 for assessing computation and communication skills of  
 73 certain students; authorizing Florida College System  
 74 institutions to use such alternative methods in lieu  
 75 of the common placement test to assess a student's  
 76 readiness to perform college-level work in computation  
 77 and communication; deleting obsolete provisions;  
 78 requiring Florida College System institutions to use  
 79 placement test results or alternative methods to  
 80 determine the extent to which certain students  
 81 demonstrate sufficient computation and communication  
 82 skills to indicate readiness for their meta-major;  
 83 requiring Florida College System institutions to  
 84 counsel and place certain students in specified  
 85 college courses; limiting students' developmental  
 86 education to content needed for success in their meta-  
 87 major; conforming provisions to changes made by the

581-02347-21

2021366c1

88 act; making technical changes; amending s. 1008.44,  
 89 F.S.; requiring the Department of Education to  
 90 identify certain certifications as those leading to  
 91 occupations in specified industry sectors; authorizing  
 92 the Commissioner of Education to limit certain  
 93 certifications for the purpose of specified  
 94 calculations; amending s. 1009.25, F.S.; authorizing  
 95 technical centers operated by school districts,  
 96 Florida College System institutions, or state  
 97 universities to enter into specified agreements with  
 98 other entities; authorizing the State Board of  
 99 Education to adopt specified rules and the Board of  
 100 Governors to adopt specified regulations; amending s.  
 101 1011.62, F.S.; revising the calculation of certain  
 102 additional full-time equivalent membership relating to  
 103 funding for the operation of schools; deleting a  
 104 provision relating to full-time equivalent membership  
 105 calculation for elementary and middle grades students;  
 106 requiring that a specified supplemental value for  
 107 full-time equivalent student membership be calculated  
 108 for certain industry certifications leading to  
 109 employment in critical industry sectors; authorizing  
 110 the use of a specified percentage of certain funds for  
 111 CAPE program expenses; limiting the amount of funds  
 112 that may be used for administrative costs; prohibiting  
 113 the use of CAPE funding to supplant funds provided for  
 114 basic operation of the CAPE program; amending s.  
 115 1011.80, F.S.; providing for an appropriation to a  
 116 school district or Florida College System institution

581-02347-21

2021366c1

117 from the General Appropriations Act for certain  
 118 industry certifications; requiring a district school  
 119 board or Florida College System institution board of  
 120 trustees that receives certain funding to use the  
 121 funding in a specified manner; amending s. 1011.802,  
 122 F.S.; specifying that Florida Pathways to Career  
 123 Opportunities Grant Program funds may be used for  
 124 instructional personnel; specifying the maximum amount  
 125 of funds that may be used by the department to  
 126 administer the Florida Pathways to Career  
 127 Opportunities Grant Program; amending s. 1011.81,  
 128 F.S.; providing for an appropriation to each Florida  
 129 College System institution from the General  
 130 Appropriations Act for certain industry  
 131 certifications; providing an effective date.

132  
 133 Be It Enacted by the Legislature of the State of Florida:

134  
 135 Section 1. Section 446.011, Florida Statutes, is amended to  
 136 read:

137 446.011 Legislative intent regarding apprenticeship  
 138 training.—

139 (1) It is the intent of the State of Florida to provide  
 140 educational opportunities for its residents so that they can be  
 141 trained for trades, occupations, and professions suited to their  
 142 abilities. It is the intent of this act to promote the mode of  
 143 training known as apprenticeship in occupations throughout  
 144 industry ~~in the state that require physical manipulative skills.~~  
 145 The Legislature further intends to broaden ~~By broadening~~ job

581-02347-21

2021366c1

146 training opportunities ~~by and~~ providing for increased  
 147 coordination between secondary and postsecondary educational  
 148 institutions and businesses and industries participating in  
 149 ~~public school academic programs, career programs, and~~ registered  
 150 apprenticeship programs ~~so that,~~ the residents of this state  
 151 ~~will~~ benefit from an additional avenue to a postsecondary  
 152 credential or degree when on-the-job training is combined with  
 153 related technical and theoretical instruction provided by a  
 154 school district or any accredited postsecondary educational  
 155 institution. Therefore, this act encourages apprenticeship  
 156 programs to lead to a postsecondary credential ~~the valuable~~  
 157 ~~training opportunities developed when on the job training is~~  
 158 ~~combined with academic related classroom experiences. Moreover,~~  
 159 this act is intended to develop the apparent potentials in  
 160 apprenticeship training by assisting in the establishment of  
 161 preapprenticeship programs in the public school system and  
 162 elsewhere and by expanding presently registered programs as well  
 163 as promoting new registered programs in jobs that lend  
 164 themselves to apprenticeship training.

165 (2) It is the intent of the Legislature that the Department  
 166 of Education have responsibility for the development of the  
 167 registered apprenticeship and registered preapprenticeship  
 168 uniform minimum standards for ~~the~~ apprenticeable occupations  
 169 ~~trades~~ and that the department have responsibility for assisting  
 170 approved program sponsors pursuant to s. 446.071 ~~district school~~  
 171 ~~boards and Florida College System institution boards of trustees~~  
 172 in developing preapprenticeship programs.

173 (3) It is the further intent of ss. 446.011-446.092 that  
 174 the department ensure quality training through the adoption and



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enforcement of uniform minimum standards and that the department promote, register, monitor, and service apprenticeship and preapprenticeship training programs and ensure that the programs adhere to the standards.

(4) It is the intent of the Legislature that this act not require the use of apprentices or preapprentices on construction projects financed by the state or any county, municipality, town or township, public authority, special district, municipal service taxing unit, or other agency of state or local government. Notwithstanding this intent, whenever any government or agency of government employs, of its own choice, apprentices or preapprentices or employs contractors who employ apprentices or preapprentices, the behavior of the government and the contractors employed by the government shall be governed by the provisions of this act.

Section 2. Section 446.021, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 446.021, F.S., for present text.)

446.021 Definitions of terms used in ss. 446.011-446.092.—

As used in ss. 446.011-446.092, the term:

(1) "Apprentice" means a person at least 16 years of age who has entered into an apprenticeship agreement with a registered apprenticeship program sponsor, is engaged in learning an apprenticeable occupation through actual work experience under the supervision of journeyworkers, and is enrolled in the apprenticeship program, thereby receiving an organized and systematic form of instruction designed to provide theoretical and technical knowledge related to the occupation.

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(2) "Apprenticeship program" means a program that is registered with the department on the basis of a plan submitted to the department which contains the terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including requirements for a written apprenticeship agreement.

(3) "Cancellation" means the termination or deregistration of an apprenticeship program at the request of the program sponsor or the termination of an apprenticeship agreement at the request of the apprentice.

(4) "Department" means the Department of Education.

(5) "Journeyworker" means a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.

(6) "On-the-job training" means a structured system of work processes under the supervision of a journeyworker which provides the experience and knowledge necessary to meet the training objective of learning a specific skill, trade, or occupation.

(7) "Preapprentice" means a person at least 16 years of age who enters into a preapprenticeship agreement with a preapprenticeship program sponsor approved by the department and who engages in learning an apprenticeable occupation in any course of instruction in the public school system or elsewhere.

(8) "Preapprenticeship program" means a program sponsored by an apprenticeship program in the same occupation which is registered with the department on the basis of a plan submitted

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to the department which contains the terms and conditions of instruction in the public school system or elsewhere and is designed to prepare a registered preapprentice to become an apprentice in an apprenticeship program.

(9) "Related instruction" means an organized and systematic form of instruction designed to provide an apprentice or a preapprentice with the knowledge of theoretical subjects related to a specific trade or occupation.

(10) "Uniform minimum standards" means the minimum requirements established for each occupation under which an apprenticeship or preapprenticeship program is administered. The term includes standards of admission, training objectives, curriculum outlines, objective standards to measure successful completion of the apprenticeship or preapprenticeship program, and the percentage of credit which may be given to an apprentice or preapprentice.

Section 3. Subsection (1), paragraphs (b), (d), and (e) of subsection (2), and subsection (3) of section 446.032, Florida Statutes, are amended to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(1) Establish uniform minimum standards ~~and policies~~ governing apprenticeship apprentice programs and agreements. The standards and policies shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeyworkers, safety, related technical instruction, and on-the-job training; but these standards ~~and policies~~ may not include rules, standards, or

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guidelines that require the use of apprentices ~~and job trainees~~ on state, county, or municipal contracts. Uniform minimum standards must be uniform across all occupations ~~The department may adopt rules necessary to administer the standards and policies.~~

(2) By September 1 of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(b) A detailed summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, including:

1. The total amount of funds received for apprenticeship and preapprenticeship programs;

2. The total amount of funds allocated to each apprenticeable trade ~~or~~ occupation;

3. The total amount of funds expended for administrative costs per apprenticeable trade ~~or~~ occupation; and

4. The total amount of funds expended for instructional costs per apprenticeable trade ~~and~~ occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs ~~in the appropriate timeframe.~~

(e) Information and resources related to ~~applications for~~ new apprenticeship programs and preapprenticeship programs and technical assistance and requirements for potential apprenticeship programs and preapprenticeship programs ~~applicants.~~

(3) Provide assistance to district school boards, postsecondary educational institutions, Florida College System

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institution boards of trustees, approved program sponsors under s. 446.071, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report pursuant to s. 445.07.

Section 4. Subsections (2) through (8), (10), (11), and (12) of section 446.041, Florida Statutes, are amended to read: 446.041 Apprenticeship program, duties of the department.— The department shall:

(2) Regularly review and evaluate the uniform minimum ~~Administer the~~ standards established by the department for registered apprenticeship and preapprenticeship programs.

(3) Register, in accordance with this chapter, any apprenticeship or preapprenticeship program that, regardless of affiliation, which meets the uniform minimum standards established by the department.

(4) Investigate complaints concerning the failure of any registered program to meet the uniform minimum standards established by the department.

(5) Cancel the registration of any program that fails to comply with the uniform minimum standards and policies of the department or that unreasonably fails or refuses to cooperate with the department in monitoring and enforcing compliance with the uniform minimum standards.

(6) Encourage potential sponsors to develop and encourage apprenticeship and preapprenticeship programs.

(7) Lead and coordinate outreach efforts to educate veterans about apprenticeship programs ~~and career opportunities.~~

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(8) Cooperate with ~~and assist local~~ apprenticeship sponsors in the development of the uniform minimum ~~their~~ apprenticeship standards and training requirements.

(10) Monitor registered apprenticeship programs to ensure that they are being operated in compliance with all applicable uniform minimum standards.

(11) ~~Supervise all apprenticeship programs that are registered with the department.~~

~~(12)~~ Ensure that equal opportunity for apprentices, preapprentices, and applicants for apprenticeships and preapprenticeships is provided for the apprenticeship and preapprenticeship programs and that minority and gender diversity are considered in administering this program.

Section 5. Paragraphs (a), (b), and (c) of subsection (2) of section 446.045, Florida Statutes, are amended to read:

446.045 State Apprenticeship Advisory Council.—

(2) (a) There is created a State Apprenticeship Advisory Council to be composed of 10 voting members appointed by the Governor and two ex officio nonvoting members. The purpose of the advisory council is to advise the department on matters relating to apprenticeship and preapprenticeship. The advisory council may not establish policy, adopt rules, or consider whether particular apprenticeship or preapprenticeship programs should be approved by the department.

(b) The Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. A representative ~~The state director~~ of the Office of Apprenticeship of the United States Department of Labor shall

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serve ex officio as a nonvoting member of the council. The Governor shall appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members shall represent industries that have registered apprenticeship programs. The Governor shall also appoint two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations and who are independent of any joint or nonjoint organization. Members shall be appointed for 4-year staggered terms. The Governor ~~A vacancy~~ shall fill any vacancy ~~be filled~~ for the remainder of the unexpired term.

(c) The council shall meet at the call of the chair or the chair's designee or at the request of a majority of its voting membership, but at least twice a year. A majority of the voting members shall constitute a quorum, and the affirmative vote of a majority of a quorum is necessary to take action.

Section 6. Section 446.051, Florida Statutes, is amended to read:

446.051 Related instruction for apprentices.—

(1) The administration and supervision of related and supplemental instruction for apprentices, the coordination of such instruction with job experiences, and the selection and training of teachers, instructors, and coordinators for such instruction, all as approved by the department ~~registered program sponsor~~, are shall be the responsibility of the apprenticeship and preapprenticeship program sponsors ~~appropriate career education institution~~.

(2) District school boards and postsecondary educational institutions are ~~The appropriate career education institution~~

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~~shall be~~ encouraged to cooperate with and assist in providing to any registered program sponsor facilities, equipment and supplies, and instructors' salaries for the performance of related and supplemental instruction associated with the apprenticeship or preapprenticeship ~~registered~~ program.

Section 7. Subsections (1), (2), and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(1) There is created and established a preapprenticeship education program, as defined in s. 446.021.

(2) The department, under regulations established by the State Board of Education, may administer the provisions of ss. 446.011-446.092 which relate to preapprenticeship programs in cooperation with district school boards and Florida College System institution boards of trustees. District school boards, postsecondary educational institutions ~~Florida College System institution boards of trustees~~, and registered program sponsors are encouraged to ~~shall~~ cooperate in developing and establishing programs that include career instruction and general education ~~courses required to obtain a high school diploma~~.

(3) The department, ~~the~~ district school boards, and postsecondary educational institutions ~~the Florida College System institution boards of trustees~~ shall work together with existing registered apprenticeship programs in order that individuals completing the preapprenticeship programs may be able to receive credit toward ~~towards~~ completing a registered apprenticeship program. In addition, postsecondary educational institutions are encouraged to work together with existing ~~associate of science programs, associate of applied science~~

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programs, career certification programs, or degree programs to ensure that individuals completing a registered apprenticeship program may be able to receive college credit toward a technical degree.

Section 8. Section 446.071, Florida Statutes, is amended to read:

446.071 Apprenticeship sponsors.—

(1) One or more ~~local~~ apprenticeship sponsors must ~~shall~~ be approved in any apprenticeable occupation ~~trade~~ or multiple apprenticeable occupations ~~group of trades~~ by the department, upon a determination of need, if the apprenticeship sponsor meets all of the uniform minimum standards established by the department. ~~The term "need" refers to the need of state residents for apprenticeship training. In the absence of proof to the contrary, it shall be presumed that there is need for apprenticeship and preapprenticeship training in each county in this state.~~

(2) ~~An A~~ A ~~local~~ apprenticeship sponsor may be a committee, a group of employers, an employer, or a group of employees, an educational institution, a local workforce board, a community or faith-based organization, or any entity preapproved by the department as being in accordance with the requirements of this chapter ~~combination thereof~~.

(3) The department may grant a variance from the uniform minimum standards upon a showing of good cause for the variance by program sponsors in nonconstruction trades. The purpose of this subsection is to recognize the unique and varying training requirements in nontraditional apprenticeable occupations and to authorize the department to adapt the standards to the needs of

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the programs.

Section 9. Subsection (4) of section 446.081, Florida Statutes, is amended to read:

446.081 Limitation.—

(4) Nothing in ss. 446.011-446.092 or in any rules adopted or contained in any approved apprentice agreement under such sections invalidates any special provision for veterans, minority persons, or women in the standards, qualifications, or operation of the apprenticeship program which is not otherwise prohibited by any applicable general law, executive order, rule, or regulation.

Section 10. Section 446.091, Florida Statutes, is repealed.

Section 11. Section 446.092, Florida Statutes, is amended to read:

446.092 Criteria for apprenticeship occupations.—At a minimum, an apprenticeable occupation must possess ~~is a skilled trade which possesses~~ all of the following characteristics:

(1) It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

(2) It is clearly identified and commonly recognized throughout an industry.

(3) It involves manual, mechanical, or technical skills and knowledge which, in accordance with the industry standards for the occupation, require ~~would require~~ a minimum of 2,000 hours of on-the-job training, which hours are excluded from the time spent at related technical or supplementary instruction.

(4) It requires related technical instruction to supplement on-the-job training. Such instruction may be given in a

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classroom, through occupational or industrial courses or correspondence courses of equivalent value, through electronic media, or through other forms of self-study approved by the department.

Section 12. Section 446.54, Florida Statutes, is created to read:

446.54 Work-based learning.—

(1) It is the intent of the Legislature that, to the extent possible, school districts place students in paid work experiences, including apprenticeships and preapprenticeships, for purposes of educational training and work-based learning.

(2) For purposes of this section, "work-based learning" includes "on-the-job training" as defined in s. 446.021 and means sustained interactions with industry or community professionals in off-campus workplace settings that foster in-depth firsthand engagement with the tasks required in a given career or field and are aligned to curriculum and instruction.

(3)(a) A student in grades 6 through 12 who is enrolled in a course identified in the Course Code Directory which incorporates a work-based learning component or an activity that is unpaid and who suffers a work-related injury in the course of his or her enrollment is deemed to be an employee of the state for purposes of workers' compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.

(b) An individual 18 years of age or younger who is enrolled in a preapprenticeship program as defined in s. 446.021 which requires work-based learning and who suffers a work-related injury in the course of his or her enrollment is deemed

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to be an employee of the state for purposes of workers' compensation coverage. Such coverage applies only to medically necessary care rendered as a direct result of that injury.

Section 13. Subsection (17) is added to section 1003.01, Florida Statutes, to read:

1003.01 Definitions.—As used in this chapter, the term:

(17) "Work-based learning" means sustained interactions with industry or community professionals in workplace settings, to the extent practicable, or simulated environments that foster in-depth, firsthand engagement with the tasks required in a given career field, that align with curriculum and instruction, and that are provided in partnership with an educational institution. Work-based learning may be paid or unpaid and may be delivered in a stand-alone, work-based learning course that results in high school credit or may be a component of an existing course which may use the cooperative method of instruction as defined in s. 1004.02(27).

Section 14. Subsection (6) is added to section 1003.491, Florida Statutes, to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(6) The Department of Education may adopt rules to administer this section.

Section 15. Subsection (27) is added to section 1004.02, Florida Statutes, to read:

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523 1004.02 Definitions.—As used in this chapter:

524 (27) “Cooperative method of instruction” means an  
 525 instructional methodology that provides students enrolled in  
 526 career education programs an opportunity to extend their  
 527 employment preparation beyond the classroom through  
 528 participation in concurrent career education instruction through  
 529 regularly scheduled on-the-job training experiences.

530 Section 16. Present subsections (3) through (8) of section  
 531 1007.23, Florida Statutes, are redesignated as subsections (4)  
 532 through (9), respectively, and a new subsection (3) is added to  
 533 that section, to read:

534 1007.23 Statewide articulation agreement.—

535 (3) To facilitate seamless transfer of credits, reduce  
 536 excess credit hours, and ensure that students are taking the  
 537 courses needed for their future careers, the articulation  
 538 agreement must establish three mathematics pathways for students  
 539 by aligning mathematics courses to programs, meta-majors, and  
 540 careers. A representative committee of State University System,  
 541 career centers established under s. 1001.44, and Florida College  
 542 System faculty shall collaborate to identify the three  
 543 mathematics pathways and the mathematics course sequence within  
 544 each pathway which align to the mathematics skills needed for  
 545 success in the corresponding academic programs and careers.

546 Section 17. Subsection (1) and paragraph (a) of subsection  
 547 (2) of section 1007.263, Florida Statutes, are amended to read:

548 1007.263 Florida College System institutions; admissions of  
 549 students.—Each Florida College System institution board of  
 550 trustees is authorized to adopt rules governing admissions of  
 551 students subject to this section and rules of the State Board of

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552 Education. These rules shall include the following:

553 (1) Admissions counseling shall be provided to all students  
 554 entering college or career credit programs. For students who are  
 555 not otherwise exempt from testing under s. 1008.30, counseling  
 556 must use the tests or alternative methods established by the  
 557 State Board of Education pursuant to s. 1008.30 to measure  
 558 achievement of college-level communication and computation  
 559 competencies by students entering college credit programs ~~or~~  
 560 ~~tests to measure achievement of basic skills for career~~  
 561 ~~education programs as prescribed in s. 1004.91.~~ Counseling must  
 562 measure achievement of basic skills for career education  
 563 programs under s. 1004.91 and include ~~includes~~ providing  
 564 developmental education options for students whose ~~assessment~~  
 565 results, determined under s. 1008.30, indicate that they need to  
 566 improve communication or computation skills that are essential  
 567 to perform college-level work.

568 (2) Admission to associate degree programs is subject to  
 569 minimum standards adopted by the State Board of Education and  
 570 shall require:

571 (a) A standard high school diploma; ~~a~~ a State of Florida  
 572 high school equivalency diploma awarded under s. 1003.435(2); a  
 573 high school equivalency diploma issued by another state which is  
 574 recognized as equivalent by State Board of Education rule and is  
 575 based on an assessment recognized by the United States  
 576 Department of Education; ~~as prescribed in s. 1003.435,~~  
 577 previously demonstrated competency in college credit  
 578 postsecondary coursework; ~~or,~~ in the case of a student who is  
 579 home educated, a signed affidavit submitted by the student's  
 580 parent or legal guardian attesting that the student has

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completed a home education program pursuant to the requirements of s. 1002.41. Students who are enrolled in a dual enrollment or early admission program pursuant to s. 1007.271 are exempt from this requirement.

Each board of trustees shall establish policies that notify students about developmental education options for improving their communication or computation skills that are essential to performing college-level work, including tutoring, extended time in gateway courses, free online courses, adult basic education, adult secondary education, or private provider instruction.

Section 18. Subsection (3) and paragraph (b) of subsection (13) of section 1007.271, Florida Statutes, are amended to read: 1007.271 Dual enrollment programs.—

(3) Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and a demonstrated level of achievement of college-level communication and computation skills as provided under s. 1008.30(1) or (2) the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework. Student eligibility requirements for continued enrollment in college credit dual enrollment courses must include the maintenance of a 3.0 unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the

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learning process such that the progress of other students or the efficient administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement established pursuant to subsection (21). Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution.

(13)

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation



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agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution. Any course or program limitations may not exceed the limitations for other dually enrolled students.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students. A high school grade point average may not be required for home education students who demonstrate achievement of college-level communication and computation skills as provided under s. 1008.30(1) or (2) ~~meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework~~; however, home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

3. The student's responsibilities for providing his or her own transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

Section 19. Section 1008.30, Florida Statutes, is amended to read:

1008.30 Common placement testing for public postsecondary education.—

(1) The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common

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placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. Alternative assessments that may be accepted in lieu of the common placement test shall also be identified in rule. Public postsecondary educational institutions shall provide appropriate modifications of the test instruments or test procedures for students with disabilities.

(2) By January 31, 2022, the State Board of Education shall adopt rules to develop and implement alternative methods for assessing the basic computation and communication skills of students who intend to enter a degree program at a Florida College System institution. Florida College System institutions may use these alternative methods in lieu of common placement tests as described in subsection (1) to assess student readiness for college-level work in computation and communication ~~The common placement testing program shall include the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential for success in meta-majors and to provide test information to students on the specific skills the student needs to attain.~~

(3) ~~By October 31, 2013, the State Board of Education shall establish by rule the test scores a student must achieve to demonstrate readiness to perform college-level work, and The rules required by subsection (2) must specify the following:~~

(a) A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United

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States Armed Services shall not be required to be assessed for readiness for college-level work in computation and communication ~~take the common placement test~~ and shall not be required to enroll in developmental education instruction in a Florida College System institution. However, a student who is not required to be assessed for readiness for college-level work in computation and communication ~~take the common placement test~~ and is not required to enroll in developmental education under this paragraph may opt to be assessed and to enroll in developmental education instruction, and the college shall provide such assessment and instruction upon the student's request.

(b) A student who is assessed for readiness for college-level computation and communication and whose assessment results indicate ~~takes the common placement test and whose score on the test indicates~~ a need for developmental education must be advised of all the developmental education options offered at the institution and, after advisement, shall be allowed to enroll in the developmental education option of his or her choice.

(c) A student who demonstrates readiness by achieving or exceeding the test scores established by the state board and enrolls in a Florida College System institution within 2 years after achieving such scores shall not be required to retest or complete developmental education when admitted to any Florida College System institution.

(4) ~~(a) By December 31, 2013, the State Board of Education, in consultation with the Board of Governors, shall approve a series of meta-majors and the academic pathways that identify~~

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~~the gateway courses associated with each meta-major. Florida College System institutions shall use placement test results to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major. Florida College System institutions shall counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major.~~

~~(5) (a) Each Florida College System institution board of trustees shall develop a plan to implement the developmental education strategies defined in s. 1008.02 and rules established by the State Board of Education. The plan must be submitted to the Chancellor of the Florida College System for approval no later than March 1, 2014, for implementation no later than the fall semester 2014. Each plan must include, at a minimum, local policies that outline:~~

~~1. Documented student achievements such as grade point averages, work history, military experience, participation in juried competitions, career interests, degree major declaration, or any combination of such achievements that the institution may consider, in addition to common placement test scores, for advising students regarding enrollment options.~~

~~2. Developmental education strategies available to students.~~

~~3. A description of student costs and financial aid opportunities associated with each option.~~

~~4. Provisions for the collection of student success data.~~

~~5. A comprehensive plan for advising students into appropriate developmental education strategies based on student~~

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~~success data.~~

(b) ~~Beginning October 31, 2015,~~ Each Florida College System institution shall use placement test results or alternative methods as established by the State Board of Education to determine the extent to which each student demonstrates sufficient computation and communication skills to indicate readiness for his or her chosen meta-major. Florida College System institutions shall counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution. The report shall be submitted to the Division of Florida Colleges by October 31 in a format determined by the Chancellor of the Florida College System. By December 31, the chancellor shall compile and submit the institutional reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education.

(c) A university board of trustees may contract with a Florida College System institution board of trustees for the Florida College System institution to provide developmental education on the state university campus. Any state university in which the percentage of incoming students requiring developmental education equals or exceeds the average percentage of such students for the Florida College System may offer developmental education without contracting with a Florida College System institution; however, any state university offering college-preparatory instruction as of January 1, 1996,

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may continue to provide developmental education instruction as defined in s. 1008.02(1).

~~(5)-(6)~~ A student may not be enrolled in a college credit mathematics or English course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation ~~in on the section of~~ the basic computation and communication skills ~~assessment required pursuant to subsection (1) that is~~ appropriate for successful student participation in the course.

Section 20. Paragraph (a) of subsection (1) and paragraph (b) of subsection (4) of section 1008.44, Florida Statutes, are amended, and paragraph (f) is added to subsection (1) of that section, to read:

1008.44 CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.—

(1) Pursuant to ss. 1003.4203 and 1003.492, the Department of Education shall, at least annually, identify, under rules adopted by the State Board of Education, and the Commissioner of Education may at any time recommend adding the following certificates, certifications, and courses:

(a) CAPE industry certifications identified on the CAPE Industry Certification Funding List that must be applied in the distribution of funding to school districts pursuant to s. 1011.62(1)(o). The CAPE Industry Certification Funding List shall incorporate by reference the industry certifications on the career pathways list approved for the Florida Gold Seal CAPE Vocational Scholars award. In addition, by August 1 of each year, the not-for-profit corporation established pursuant to s. 445.004 may annually select one industry certification, that does not articulate for college credit, for inclusion on the

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CAPE Industry Certification Funding List for a period of 3 years unless otherwise approved by the curriculum review committee pursuant to s. 1003.491. Such industry certifications, if earned by a student, shall be eligible for additional full-time equivalent membership, pursuant to s. 1011.62(1)(o)1.

(f) Industry certifications leading to occupations in critical industry sectors which, if earned by a student, are eligible for additional full-time equivalent student membership pursuant to s. 1011.62(1)(o)1.e.

(4)

(b) For the purpose of calculating additional full-time equivalent membership pursuant to s. 1011.62(1)(o)1.e., the Commissioner of Education may limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades ~~based on formal recommendations by providers of CAPE industry certifications and CAPE Digital Tool certificates.~~

Section 21. Paragraphs (b) and (f) of subsection (1) of section 1009.25, Florida Statutes, are amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(b) A student enrolled in an ~~approved~~ apprenticeship program, as defined in s. 446.021. A technical center operated by a school district, a Florida College System institution, or a state university may enter into an agreement with another entity to cover the approved apprenticeship program student tuition and fees, including lab fees.

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(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This includes a student who would otherwise meet the requirements of this paragraph, as determined by a college or university, but for his or her residence in college or university dormitory housing. The State Board of Education may adopt rules and the Board of Governors may adopt regulations regarding documentation and procedures to implement this paragraph.

Section 22. Paragraph (o) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) *Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry*

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certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.-

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. For a CAPE industry certification that has a statewide articulation agreement for 4 to 14 college credits and for a CAPE industry certification that has a statewide articulation agreement for 1 to 3 college credits and that is deemed by the department to be of sufficient rigor and to be linked to a high-skill occupation, a value of 0.2 full-time equivalent membership shall be calculated. For all other CAPE industry certifications with a statewide articulation agreement for 1 to 3 college credits, a value of 0.1 full-time equivalent membership shall be calculated. ~~A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education.~~ For CAPE industry certifications that do not articulate for college credit, the Department of Education shall

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calculate ~~assign~~ a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-paragraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-paragraph. ~~Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year.~~ The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry

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Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5) (a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5) (b) and 1008.44.

e. In addition to the full-time equivalent student membership calculated under paragraphs (a)-(d), a supplemental value of 0.2 full-time equivalent student membership shall be calculated for industry certifications identified on the CAPE Industry Certification Funding List as leading to employment in occupations in critical industry sectors.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. The remaining 20 percent may be used for other CAPE program expenses, such as administrative costs and new industry certification programs; however, administrative costs may not exceed 5 percent of the total funds provided for CAPE industry certification. Funds provided for CAPE industry certification may not be used for any other purpose and, specifically, This allocation may not be used to supplant funds provided for basic operation of the program, such as teacher salaries and other costs that are funded for other courses with non-CAPE funds.

3. For CAPE industry certifications earned in the 2013-2014

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school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of \$25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of \$50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of \$75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of \$100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph ~~must shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall~~ be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus

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awarded to a teacher pursuant to this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

Section 23. Paragraph (b) of subsection (7) and paragraph (a) of subsection (8) of section 1011.80, Florida Statutes, are amended to read:

1011.80 Funds for operation of workforce education programs.—

(7)

(b) Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

1. Occupational areas for which industry certifications may be earned, as established in the General Appropriations Act, are eligible for performance funding. Priority shall be given to the occupational areas emphasized in state, national, or corporate grants provided to Florida educational institutions.

2. The Chancellor of Career and Adult Education shall identify the industry certifications eligible for funding on the CAPE Postsecondary Industry Certification Funding List approved by the State Board of Education pursuant to s. 1008.44, based on the occupational areas specified in the General Appropriations Act.

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3.a. Except as provided in sub-subparagraph b., each school district shall be provided \$1,000 for each industry certification earned by a workforce education student. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

b. For each industry certification earned by a workforce education student which is identified as leading to employment in occupations in critical industry sectors, each school district shall be provided a total of \$3,000. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

(8) (a) A school district or Florida College System institution that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or Florida College System institution board of trustees may not withhold any portion of the performance funding for indirect costs. A district school board or Florida College System institution board of trustees that receives workforce performance funding must use at least 70 percent of the funds received to directly support the program that generated the funds.

Section 24. Present subsection (4) of section 1011.802, Florida Statutes, is redesignated as subsection (5), a new subsection (4) is added to that section, and subsection (3) of that section is amended, to read:

1011.802 Florida Pathways to Career Opportunities Grant

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Program.—

(3) The department shall give priority to apprenticeship programs with demonstrated regional demand. Grant funds may be used for instructional equipment, supplies, instructional personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

(4) Up to \$200,000 of the total amount allocated may be used by the department to administer the grant program.

Section 25. Paragraph (c) of subsection (2) of section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System Program Fund.—

(2) Performance funding for industry certifications for Florida College System institutions is contingent upon specific appropriation in the General Appropriations Act and shall be determined as follows:

(c)1. Except as provided in subparagraph 2., each Florida College System institution shall be provided \$1,000 for each industry certification earned by a student. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

2. For each industry certification earned by a workforce education student which is identified as leading to employment in occupations in critical industry sectors, each Florida College System institution shall be provided a total of \$3,000. If funds are insufficient to fully fund the calculated total award, such funds shall be prorated.

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Section 26. This act shall take effect July 1, 2021.





The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** March 3, 2021

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I respectfully request that **Senate Bill #366**, relating to Apprenticeship and Preapprenticeship Training, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Travis Hutson".

---

Senator Travis Hutson  
Florida Senate, District 7

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

1

4/8/2021

Meeting Date

THE FLORIDA SENATE

**APPEARANCE RECORD**

366

Bill Number (if applicable)

Topic Educational Opportunities Leading to Employment

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Director

Address 136 South Bronough

Phone 561-386.3451

Street

Tallahassee

FL

32301

Email mchoy@flchamber.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing The Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

5/8/21  
Meeting Date

366 2  
Bill Number (if applicable)

Topic Educational Opportunities Leading to Employment

Amendment Barcode (if applicable)

Name Scott Jenkins

Job Title Senior Gov't Consultant

Address 215 S. Monroe St. Ste 500

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Tallahassee

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32312

City

State

Zip

Email sjenkins@carlislefields.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

FL HOMEBUILDERS ASSOC. FL ROAD MATERIALS & CONSTRUCTION ASSOC.  
Representing NATIONAL UTILITY CONTRACTORS ASSOC. OF FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/08/2021

*Meeting Date*

SB 366

*Bill Number (if applicable)*

Topic Appropriations Subcommittee on Education- SB 366

*Amendment Barcode (if applicable)*

Name Jessica Fowler

Job Title Deputy Legislative Affairs Director

Address 325 W Gaines St

Phone (850) 508-9896

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Tallahassee

FL

32399

Email jessica.fowler@fldoe.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 918

INTRODUCER: Senators Bradley and Jones

SUBJECT: Education

DATE: April 7, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	<b>Favorable</b>
2.	Underhill	Elwell	AED	<b>Recommend: Favorable</b>
3.			AP	

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## **I. Summary:**

SB 918 provides additional requirements for how the Advanced International Certificate of Education (AICE) FEFP bonus funds can be expended by school districts, and expands the expenditure of bonus funding to include school programs administered by the University of Cambridge Local Examinations Syndicate which prepare prospective students to enroll in AICE courses.

The bill also updates which teachers are eligible for a bonus to include classroom teachers who teach International General Certificate of Secondary Education (pre-AICE) courses.

The bill does not require a state appropriation. See Section V.

The bill takes effect July 1, 2021.

## **II. Present Situation:**

### **Advanced International Certificate of Education (AICE)**

Successful completion of an Advanced International Certificate of Education (AICE) curriculum<sup>1</sup> is one option for a student to graduate from high school in Florida with a standard high school diploma.<sup>2</sup> The Cambridge AICE Diploma is a certificate that requires learners to study a compulsory core subject with specified Cambridge subjects drawn from the three curriculum areas: mathematics and science (Group 1); languages (Group 2); and arts and

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<sup>1</sup> Cambridge International AS and A Level qualifications offer a choice of 55 subjects, which schools can offer in almost any combination. An AS Level course typically lasts one academic year; an A Level course typically takes two years. Cambridge Assessment International Assessment, *Curriculum*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-international-as-and-a-levels/curriculum/> (last visited Feb. 23, 2021).

<sup>2</sup> Section 1003.4282(1)(a), F.S.

humanities (Group 3). There is also the option to study interdisciplinary subjects (Group 4). In order to achieve the Cambridge AICE Diploma, learners must achieve a minimum of seven credits, with at least one credit from Groups 1, 2, and 3.<sup>3</sup> Prior to enrolling in Cambridge AICE courses, a student can enroll in Cambridge IGCSE, the International General Certificate of Secondary Education (pre-AICE).<sup>4</sup> Cambridge IGCSE examination sessions occur twice a year in June and in November.<sup>5</sup>

Over 700 universities in the United States formally accept Cambridge AS and A Levels and the Cambridge AICE Diploma.<sup>6</sup>

### ***AICE in Florida***

The AICE program is one of a number of articulated acceleration programs, which are intended to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, or increase the depth of study available for a particular subject.<sup>7</sup> The law provides the following benefits to schools and students engaged in the AICE program:

- Successful completion of a course examination qualifies for college credit.<sup>8</sup>
- The percentage of a school's students eligible to earn college credit favorably affects the school's grade.<sup>9</sup>
- A grade earned in AICE or pre-AICE is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.<sup>10</sup>
- Classroom teachers and school districts receive funding incentives based on the performance of each student in AICE examinations.<sup>11</sup>

At least 177 high schools in 31 Florida school districts currently offer the AICE program.<sup>12</sup> Almost 40 percent of AICE program participants in Florida are considered eligible for free or

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<sup>3</sup> Cambridge Assessment International Education, *Cambridge AICE Diploma qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/qualification/> (last visited Feb. 23, 2021).

<sup>4</sup> Cambridge Assessment International Education, *Cambridge IGCSE*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/> (last visited Feb. 23, 2021).

<sup>5</sup> Cambridge Assessment International Education, *Cambridge IGCSE qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-upper-secondary/cambridge-igcse/qualification/> (last visited Feb. 23, 2021).

<sup>6</sup> Cambridge Assessment International Education, *Guidance for schools and students*, <https://www.cambridgeinternational.org/programmes-and-qualifications/recognition-and-acceptance/schools-and-students/> (last visited Feb. 23, 2021).

<sup>7</sup> Section 1007.27(1), F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement (AP), credit by examination, the International Baccalaureate (IB) Program, and the Advanced International Certificate of Education (AICE) Program. *Id.*

<sup>8</sup> Section 1003.4295, F.S.

<sup>9</sup> Section 1008.34(3)(b)2.b., F.S.

<sup>10</sup> Section 1009.531(3)(a), F.S.

<sup>11</sup> Section 1011.62(1)(m), F.S.

<sup>12</sup> Email, Angela Dempsey, PooleMcKinley (Feb. 12, 2021) (on file with the Senate Committee on Education).

reduced-price meals.<sup>13</sup> During the 2019-2020 fiscal year, 63,212 students in Florida participated in the AICE program.<sup>14</sup>

In spring 2020, 47,577 students enrolled in pre-AICE courses in Florida.<sup>15</sup> In fall 2020, 54,046 students enrolled in pre-AICE courses in Florida.<sup>16</sup> In the 2019-2020 school year, 668 end-of-course pre-AICE exams were taken in Florida, of which 440 scored grade E or above.<sup>17</sup>

### ***Funds for the Operation of Schools - AICE Incentive Funding***

The Florida Education Finance Program (FEFP) provides a funding incentive for school districts with students in AICE courses who successfully complete AICE examinations or earn an AICE diploma.<sup>18</sup> A value of 0.16 FTE student membership is calculated for each student enrolled in a full-credit AICE course who receives a score of E, and 0.08 FTE student membership for each student enrolled in a half-credit AICE course who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.<sup>19</sup>

Current law requires each school district to allocate at least 80 percent of the funds received from the AICE bonus FTE funding to the school program that generated the funds.<sup>20</sup>

Additionally, classroom teachers receive bonus funds for the performance of their students on AICE examinations, in the amount of \$50 for each student taught by the AICE teacher in each full-credit AICE course, and \$25 for each student taught by the AICE teacher in each half-credit AICE course, who receives a score of E or higher on the AICE examination. An additional bonus of \$500 is allotted to each AICE teacher in a school designated with a grade of “D” or “F” who has at least one student scoring E or higher on the full-credit AICE examination, regardless of the number of classes taught or number of such students, or an additional \$250 to each AICE teacher in such a school who has at least one student scoring E or higher on the half-credit AICE examination in that class.<sup>21</sup>

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<sup>13</sup> Office of Program Policy Analysis and Government Accountability, *School Choice Landscape* (Feb. 15, 2021), at 39.

<sup>14</sup> *Id.*, at 38. Palm Beach County School District accounts for one-third of all AICE students in the state with 20,993 program participants. *Id.*, at 39.

<sup>15</sup> Email, Angela Dempsey, PooleMcKinley (Feb 19, 2021) (on file with the Senate Committee on Education).

<sup>16</sup> *Id.* Some IGCSE syllabuses, such as Cambridge pre-AICE Spanish Level 1, 2, or 3 and Cambridge pre-AICE Mathematics Levels 1, 2, or 3, extends beyond one year, meaning the exam may not be administered until the end of the course sequence. However, the enrollment data would reflect each of these courses. Additionally, many schools offer the IGCSE curriculum to develop the skills and content mastery required for future AICE courses without administering the IGCSE exams. In 2019, 668 end-of-course IGCSE exams were taken in Florida, of which 440 obtained a score grade E or higher. *Id.*

<sup>17</sup> *Id.* Cambridge International A Level and AS Level subjects are graded from A\* to E or A to E, respectively, and the Cambridge AICE Diploma is awarded on a points system, such that each grade is converted to points to award a Cambridge AICE Diploma at one of three levels based on the overall score. Cambridge Assessment International Education, *Cambridge AICE Diploma qualification*, <https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/qualification/> (last visited Feb. 23, 2021).

<sup>18</sup> See 1011.62, F.S. Florida also provides incentive funds for dual enrollment, exploratory career education, the International Baccalaureate Program, advanced placement courses, and career-themed courses, among others. Section 1011.62(1), F.S.

<sup>19</sup> Section 1011.62(1)(m), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

### III. Effect of Proposed Changes:

The bill modifies the requirement in law that each school district allocate at least 80 percent of the funds received from the Advanced International Certificate of Education (AICE) bonus FTE funding to the school program that generated the funds to also include school programs administered by the University of Cambridge Local Examinations Syndicate that prepare prospective students to enroll in AICE courses.

The bill adds a restriction that such funds must be expended solely for the payment of costs associated with the:

- Application and registration process;
- Program fees and site licenses;
- Training, professional development, salaries, benefits, and bonuses for instructional personnel and program coordinators;
- Examination and diploma fees;
- Membership fees;
- Supplemental books;
- Instructional supplies, materials, and equipment; and
- Other activities that identify prospective AICE students or prepare prospective students to enroll in AICE courses.

The bill specifies that the school district is required to distribute bonus funds to each classroom teacher who provided International General Certificate of Secondary Education (pre-AICE) instruction. The bill removes references to full-credit and half-credit courses and exams, to reflect that Cambridge no longer offers half-credit exams. Accordingly, the bill changes the designation from half-credit AICE courses to pre-AICE courses for the \$25 and \$250 bonus awards a teacher would earn for students who successfully complete examinations.<sup>22</sup>

Expanding the use of existing FTE bonus funding to school programs administered by the University of Cambridge Local Examinations Syndicate may require school districts to increase the support of pre-AICE instruction, which prepares prospective students to enroll in AICE courses. The financial supports for pre-AICE instruction and related activities may increase opportunities for Florida secondary students to take Cambridge courses and prepare for AICE courses.

The bill takes effect July 1, 2021.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>22</sup> Florida law does not provide similar funding incentives for pre-IB courses. Section 1011.62(1)(l), F.S. However, a value of 0.16 FTE is calculated for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination, and a value of 0.3 FTE is calculated for each student who receives an IB diploma, which value is added to the FTE in basic programs from grades 9 through 12. *Id.*



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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill does not require a state appropriation. Expanding the distribution of financial incentives to apply to International General Certificate of Secondary Education (pre-AICE) programs may affect how school districts allocate bonus funds related to Advanced International Certificate of Education (AICE) and pre-AICE activities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1011.62 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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By Senator Bradley

5-00782A-21

2021918\_\_

A bill to be entitled

An act relating to education; amending s. 1011.62, F.S.; requiring school districts to allocate a certain amount of specified funds to certain programs that prepare prospective students to enroll in Advanced International Certificate of Education courses; requiring such funds to be spent on specified costs; requiring school districts to distribute specified bonuses to certain classroom teachers providing International General Certificate of Secondary Education instruction; requiring bonuses based on a student's specified score on the Advanced International Certificate of Education examination to be paid to all Advanced International Certificate of Education teachers instead of only full-credit Advanced International Certificate of Education teachers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (m) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

5-00782A-21

2021918\_\_

OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate at least 80 percent of the funds received from the Advanced International Certificate of Education bonus FTE funding, in accordance with this paragraph, to the school program that generated the funds and to school programs administered by the University of Cambridge Local Examinations Syndicate that prepare prospective students to enroll in Advanced International Certificate of Education courses. These funds shall be expended solely for the payment of costs associated with the application and registration process; program fees and site licenses; training, professional

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

5-00782A-21 2021918\_\_

development, salaries, benefits, and bonuses for instructional personnel and program coordinators; examination and diploma fees; membership fees; supplemental books; instructional supplies, materials, and equipment; and other activities that identify prospective Advanced International Certificate of Education students or prepare prospective students to enroll in Advanced International Certificate of Education courses. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education or International General Certificate of Secondary Education (pre-AICE) instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced International Certificate of Education teacher in each ~~full-credit~~ Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of \$25 for each student taught by the pre-AICE ~~Advanced International Certificate of Education~~ teacher in each pre-AICE ~~half-credit Advanced International Certificate of Education~~ course who receives a score of E or higher on the pre-AICE ~~Advanced International Certificate of Education~~ examination.

2. An additional bonus of \$500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the ~~full-credit~~ Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the ~~full-credit~~ Advanced International

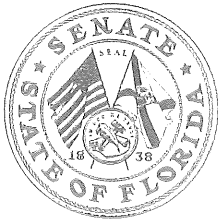
5-00782A-21 2021918\_\_

Certificate of Education examination.

3. Additional bonuses of \$250 each to teachers of pre-AICE ~~half-credit Advanced International Certificate of Education~~ classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the pre-AICE ~~half-credit Advanced International Certificate of Education~~ examination in that class. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

Section 2. This act shall take effect July 1, 2021.



**SENATOR JENNIFER BRADLEY**  
5th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Community Affairs, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on Agriculture,  
Environment, and General Government  
Education  
Ethics and Elections  
Judiciary

**SELECT COMMITTEE:**  
Select Committee on Pandemic  
Preparedness and Response

**JOINT COMMITTEES:**  
Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

March 3, 2021

Senator Doug Broxson, Chairman  
Appropriations Subcommittee on Education  
418 Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Dear Mr. Chairman:

I respectfully request that Senate Bill 918 be placed on the committee's agenda at your earliest convenience. The bill includes several provisions related to the Advanced International Certificate of Education (AICE) curriculum.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Bradley". The signature is fluid and cursive, with the first name "Jennifer" and last name "Bradley" clearly legible.

Jennifer Bradley

cc: Tim Elwell  
JoAnne Bennett

**REPLY TO:**

- ☐ 1279 Kingsley Avenue, Kingsley Center, Suite 117, Orange Park, Florida 32073 (904) 278-2085
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

**YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM**

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

4/8/21

*Meeting Date*

918

*Bill Number (if applicable)*

Topic Education

*Amendment Barcode (if applicable)*

Name Angela Dempsey

Job Title \_\_\_\_\_

Address 106 E. College Ave., Suite1100

Phone (850) 681-1980

*Street*

Tallahassee

FL

32301

Email angela@poolemckinley.com

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Cambridge Assessment International Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: PCS/CS/SB 934 (233914)

INTRODUCER: Appropriations Subcommittee on Education; Education Committee; and Senator Wright

SUBJECT: Education

DATE: April 9, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Westmark</u>	<u>Bouck</u>	<u>ED</u>	<b>Fav/CS</b>
2. <u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3. _____	_____	<u>AP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/CS/SB 934 modifies provisions related to district school boards, high-performing school districts, educator certification and nondegreed career teacher qualifications, teacher preparation programs and educator preparation institutes (EPIs), and school leadership. Specifically, the bill:

- Modifies the uniform core curricula for state-approved teacher preparation programs and EPI competency-based program requirements.
- Removes the General Knowledge Test as an admission requirement to a teacher preparation program.
- Provides that completion of an EPI may demonstrate education and successful occupational experience for nondegreed teachers of career education, and also professional preparation and education competence toward an educator certificate.
- Specifies that a master's degree or higher degree may demonstrate mastery of general knowledge toward an educator certificate.
- Authorizes an organization of private schools or a consortium of charter schools as specified to design alternative preparation programs for certified teachers to add on additional coverages to their certificate.
- Modifies the William Cecil Golden Professional Development Program for School Leaders to expand the definition of an educational leader and expand the collaborative network.
- Authorizes members of special committees and advisory committees to conduct daily business in person or through the use of telecommunications networks.
- Authorizes high-performing school districts to provide up to two days of virtual instruction as part of the required 180 actual teaching days.

The bill does not affect state expenditures or revenues.

The bill takes effect July 1, 2021.

## **II. Present Situation:**

### **Educator Certification Requirements**

#### ***Initial Eligibility***

To be eligible to seek certification of an educator in Florida, a person must:

- Meet general eligibility criteria to ensure competence and capability to perform the duties, functions, and responsibilities as an educator, including a minimum age, an oath of loyalty, demonstration of a bachelor's or higher degree, and background screening.
- Demonstrate mastery of general knowledge if the person serves as a classroom teacher.
- Demonstrate mastery of subject area knowledge.
- Demonstrate mastery of professional preparation and education competence.<sup>1</sup>

#### ***Mastery of General Knowledge***

Acceptable means to demonstrate mastery of general knowledge to meet educator certification requirements include:

- Achievement of passing scores on the general knowledge examination required by State Board of Education (SBE) rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System (FCS) institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education (DOE) as having a quality program; or
- Achievement of passing scores, identified in SBE rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination.<sup>2</sup>

#### ***Mastery of Subject Area Knowledge***

Acceptable means of demonstrating mastery of subject area knowledge to meet educator certification requirements include:

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<sup>1</sup> Section 1012.56(2), F.S.

<sup>2</sup> Section 1012.56(3), F.S. A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. Such information must include, but need not be limited to, state-level test information guides, school district test preparation resources, and preparation courses offered by state universities and Florida College System institutions. Section 1012.56(3)(e), F.S.



- For a subject requiring only a baccalaureate degree, a passing score on an examination specified in SBE rule,<sup>3</sup> and may include passing scores on foreign language proficiency examinations, if applicable, or verification of the attainment of subject matter competencies;
- For a subject requiring a master's or higher degree, completion of the subject area specialization requirements specified in SBE rule and achievement of a passing score on the Florida-developed subject area examination or a standardized examination specified in SBE rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of successful completion of a United States Defense Language Institute Foreign Language Center program; or
- Documentation of a passing score on the Defense Language Proficiency Test.<sup>4</sup>

### ***Mastery of Professional Preparation***

Acceptable means of demonstrating mastery of professional preparation and education competence to meet educator certification requirements are:

- Successful completion of an approved teacher preparation program at a postsecondary educational institution within Florida and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by SBE rule;
- Documentation of a valid professional standard teaching certificate issued by another state;
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE;
- Documentation of two semesters of successful, full-time or part-time teaching in a FCS institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the DOE as having a quality program and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of professional preparation courses as specified in state board rule, successful completion of a specified professional preparation and education competence program, and achievement of a passing score on the professional education competency examination required by SBE rule;
- Successful completion of a specified professional development certification and education competency program; or
- Successful completion of a specified competency-based certification program and achievement of a passing score on the professional education competency examination required by rule of the SBE.<sup>5</sup>

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<sup>3</sup> Subject area examinations are required to be aligned to the Next Generation Sunshine State Standards. Section 1012.56(4), F.S.

<sup>4</sup> Section 1012.56(5), F.S.

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

## District Alternative Certification Programs

Educators who currently hold a valid Florida Temporary or Professional Certificate may be eligible to add another subject coverage or endorsement,<sup>6</sup> according to subject specialization requirements outlined in SBE rule.<sup>7</sup>

Professional Development Certification Programs, formally known as District Alternative Certification Programs, are offered by Florida public school districts, charter schools, or charter management organizations to provide instruction for members of its instructional staff who are non-education baccalaureate or higher degree holders as specified in law,<sup>8</sup> resulting in qualification for an initial Florida Professional Educator's Certificate.<sup>9</sup> Certified teachers may add additional coverage through alternative preparation programs as defined in law.<sup>10</sup> Each alternative teacher preparation program is required to be reviewed and approved by DOE to assure that persons who complete it are competent in the necessary areas of subject matter specialization.<sup>11</sup>

DOE-approved district add-on programs include those offered by colleges, universities, and school districts.<sup>12</sup> Of the 91 providers of teacher preparation programs in Florida for 2020, 23 are districts that run their own programs.<sup>13</sup>

## Non-degreed Teachers of Career Education

Qualifications for part-time and full-time non-degreed teachers of career programs are based primarily on successful occupational experience rather than academic training.<sup>14</sup> The qualifications for such teachers require:

- The filing of a complete set of fingerprints as specified in law.
- Documentation of education and successful occupational experience, including:
  - A high school diploma or the equivalent.

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<sup>6</sup> An endorsement is a rider on a Florida certificate with a full subject coverage and denotes a particular expertise in an instructional level or methodology. Florida Department of Education, *Certificate Additions*, <https://www.fldoe.org/teaching/certification/additions/> (last visited March 3, 2021). Endorsements may include, but are not limited to, Autism Spectrum Disorders, English for Speakers of Other Languages (ESOL), Gifted, and Reading.

<sup>7</sup> Florida Department of Education, *Certificate Additions*, <http://www.fldoe.org/teaching/certification/additions/> (last visited March 3, 2021). Educator certification requirements are addressed in s. 1012.56, F.S. See also Florida Department of Education, *Certificate Subjects*, <http://www.fldoe.org/teaching/certification/certificate-subjects/> (last visited March 3, 2021); Rules 6A-4.001 - 6A-4.078, F.A.C.

<sup>8</sup> See s. 1012.56(8), F.S.

<sup>9</sup> Florida Department of Education, *Professional Development Certification Programs*, <http://www.fldoe.org/teaching/preparation/pdcp.shtml> (last visited March 3, 2021).

<sup>10</sup> Section 1012.575, F.S.

<sup>11</sup> Two or more school districts may jointly participate in an alternative preparation program for teachers. *Id.*

<sup>12</sup> See Florida Department of Education, *State-Approved Educator Preparation Programs*, <http://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited March 3, 2021). See also Rule 6A-5.066, F.A.C.

<sup>13</sup> Sandi Jacobs, EducationCounsel, *A Summary and Analysis of Program Performance* (December 2020), available at <http://www.fldoe.org/core/fileparse.php/7502/urlt/2020FloridaTeacherPrepReport.pdf>, at 3.

<sup>14</sup> Section 1012.39(1)(c), F.S.

- Completion of six years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area.<sup>15</sup>
- Completion of career education training conducted through the local school district inservice master plan.
- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students.<sup>16</sup>
- Demonstration of successful teaching performance.
- Documentation of industry certification when state or national industry certifications are available and applicable.<sup>17</sup>

### **Teacher Preparation Programs**

The SBE maintains a system for development and approval of teacher preparation programs,<sup>18</sup> and each teacher preparation program must be approved by the DOE as specified in law.<sup>19</sup> Continued approval of a teacher preparation program is based on evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.<sup>20</sup>

The SBE establishes in rule uniform core curricula for each state-approved teacher preparation program. Such rules must include, but are not limited to, the following:

- Candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas.
- The use of state-adopted content standards to guide curricula and instruction.
- 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 mathematics practices.
- Strategies appropriate for the instruction of English language learners.
- Strategies appropriate for the instruction of students with disabilities.
- Strategies to differentiate instruction based on student needs.
- The use of character-based classroom management.<sup>21</sup>

Each teacher preparation program approved by the DOE must require students to meet, at a minimum, the following as prerequisites for admission into the program:

- Have a grade point average of at least 2.5 on a 4.0 scale in coursework and at an institution specified in law.

<sup>15</sup> The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach. *Id.*

<sup>16</sup> This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program. *Id.*

<sup>17</sup> Section 1012.39(1)(c), F.S.

<sup>18</sup> Section 1004.04(1)(b), F.S.

<sup>19</sup> Section 1004.04(3)(c), F.S.

<sup>20</sup> Section 1004.04(4), F.S.

<sup>21</sup> Section 1004.04(2)(a)-(b), F.S.

- Demonstrate mastery of general knowledge sufficient for entry into the program, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the SBE.<sup>22</sup>

### **Postsecondary Educator Preparation Institutes**

Educator Preparation Institutes (EPIs) provide an alternate route to teacher certification.<sup>23</sup> EPIs are created by a postsecondary institution or a qualified private provider and approved by the DOE.<sup>24</sup> Postsecondary institutions that are accredited or approved as described in SBE rule may seek approval from the DOE to create EPIs for the purpose of providing:

- Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.
- Instruction to assist potential and existing substitute teachers in performing their duties.
- Instruction to assist paraprofessionals in meeting education and training requirements.
- Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for mid-career professionals who hold a baccalaureate degree and college graduates who were not education majors.<sup>25</sup>

Approved EPIs may offer competency-based certification programs specifically designed for non-education major baccalaureate degree holders to enable program participants to meet the educator certification requirements. The DOE is required to approve the program if the EPI includes each of the following:

- Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.
- The use of state-adopted student content standards to guide curriculum and instruction.
- 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.
- Strategies to differentiate instruction based on student needs.
- The use of character-based classroom management.<sup>26</sup>

A private provider that has a proven history of delivering high-quality teacher preparation may also seek approval to offer a competency-based certification program specifically designed for

<sup>22</sup> Section 1004.04(3)(b), F.S.

<sup>23</sup> Florida Department of Education, *Educator Preparation Institutes (EPIs)*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/academic-student-affairs/educator-preparation-institutes-epis/> (last visited Feb. 26, 2021).

<sup>24</sup> Section 1004.85(1), F.S.

<sup>25</sup> Section 1004.85(2)(a), F.S.

<sup>26</sup> Section 1004.85(3), F.S.

non-education major baccalaureate degree holders to enable program participants to meet educator certification requirements.<sup>27</sup>

### **School Leadership Programs**

Public accountability and state approval of school leader preparation programs are outlined in law, and their purpose is to:

- Increase the supply of effective school leaders in the public schools of this state.
- Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.
- Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.
- Produce leaders with the competencies and skills necessary to achieve the state's education goals.
- Sustain the state system of school improvement and education accountability.<sup>28</sup>

### ***William Cecil Golden Professional Development Program for School Leaders***

The William Cecil Golden Professional Development Program for School Leaders was established to provide high standards and sustained support for principals as instructional leaders. The program consists of a collaborative network of state and national professional leadership organizations, coordinated by DOE, to support the human-resource development needs of principals, principal leadership teams, and candidates for principal leadership positions using the framework of leadership standards adopted by the SBE, the Southern Regional Education Board, and the National Staff Development Council.<sup>29</sup>

The goal of the network leadership program is to:

- Provide resources to support and enhance the principal's role as the instructional leader.
- Maintain a clearinghouse and disseminate data-supported information related to enhanced student achievement, based on educational research and best practices.
- Build the capacity to increase the quality of programs for preservice education for aspiring principals and in-service professional development for principals and principal leadership teams.
- Support best teaching and research-based instructional practices through dissemination and modeling at the preservice and in-service levels for both teachers and principals.<sup>30</sup>

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<sup>27</sup> Section 1004.85(2)(b), F.S.

<sup>28</sup> Section 1012.562, F.S.

<sup>29</sup> Section 1012.986, F.S.

<sup>30</sup> *Id.*

### **District School Board Governance**

Each district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including, but not limited to:

- The provision of legal services for the district school board;
- Conducting a district legislative program;
- District school board member participation at conferences, conventions, and workshops;
- District school board policy development, adoption, and repeal;
- Meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by nondistrict personnel;
- Citizen communications with the district school board and with individual district school board members;
- Collaboration with local government and other entities as required by law; and
- Organization of the district school board, including special committees and advisory committees.<sup>31</sup>

### **High-Performing School Districts**

Florida recognizes and rewards school districts that demonstrate the ability to consistently maintain or improve their high-performing status through providing such districts with flexibility in meeting specific requirements.<sup>32</sup>

A school district is an academically high-performing school district if it meets the following criteria:

- Earn a grade of “A” for two consecutive years;
- Has no district-operated school that earns a grade of “F”;
- Complies with all class size requirements; and
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit.<sup>33</sup>

Specific requirements that high-performing school districts must meet include requirements pertaining to:

- The provision of services to students with disabilities;
- Civil rights and provisions relating to discrimination;
- Student health, safety, and welfare;
- The election or compensation of district school board members;
- Student assessment program and the school grading system;
- Financial matters with specified exemptions;

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<sup>31</sup> Section 1001.43(10), F.S.

<sup>32</sup> Section 1003.621, F.S.

<sup>33</sup> In 2002, citizens approved an amendment to the Florida Constitution that set limits on the number of students in core classes in the state's public schools. Beginning with the 2010-2011 school year, the maximum number of students in each core class would be 18 students in prekindergarten through grade 3; 22 students in grades 4 through 8; and 25 students in grades 9 through 12. Florida Department of Education, *Class Size* <http://www.fldoe.org/finance/budget/class-size/> (last visited March 25, 2021), *Id.*

- Planning and budgeting;
- Public school personnel compensation and salary schedules;
- Educational facilities with specified exemptions;
- Instructional materials with specified exemptions;
- Uniform opening date of public schools; and
- Requirements specific to High-Performing School Districts.<sup>34</sup>

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

#### **Teacher Preparation Programs**

The bill modifies s. 1004.04, F.S., to add to the uniform core curricula for each state-approved teacher preparation program, strategies:

- Appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.
- To support the use of technology in education and distance learning.

The bill makes it easier for a student to be admitted to an approved teacher preparation program. Specifically, the bill requires students to pass the General Knowledge Test by the time the student completes the program, rather than passing the test to demonstrate mastery of general knowledge as an admissions requirement to a program. However, the bill removes the option to waive admissions requirements for up to 10 percent of admitted students and provide assistance to those who receive waivers to demonstrate competencies, as well as report the status of these annually to the Department of Education (DOE).

#### **Postsecondary Educator Preparation Institutes**

The bill modifies provisions relating to educator preparation institutes (EPIs). Specifically, the bill modifies:

- Section 1004.85, F.S., related to EPIs, to:
  - Expand the purpose for which a postsecondary institution may seek DOE approval for an EPI, to include instruction and professional development for part-time and full-time non-degreed teachers of career programs.
  - Add to the requirement that if an EPI implements a competency-based program, it must include strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such students to a mental health professional for support, and strategies to support the use of technology in education and distance learning.
  - Add an exception for EPI program participants, as provided in s. 1012.56(7)(a)3., F.S., from the requirement to achieve a passing score on the professional education competency examination before completion of an EPI program, to each fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification. The bill specifies that completion of an EPI program, along with completion of general

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<sup>34</sup> Section 1003.621, F.S.

- certificate, general knowledge, and subject area requirements as specified in law, meets the requirements for an educator professional certificate.
- Section 1012.39, F.S., to add completion of an EPI program approved by the State Board of Education (SBE) as a means of documenting education and successful occupational experience, in addition to completion of career education training conducted through the local school district in-service master plan.

### **Educator Certification and Alternative Teacher Preparation**

The bill modifies s. 1012.56, F.S., relating to educator certification requirements to:

- Add, as an acceptable means of demonstrating mastery of general knowledge, documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.
- Add completion of an EPI approved by the DOE as an optional means to demonstrate professional preparation and education competence. Additionally, a student who meets the requirement through an EPI and is rated highly effective is not required to take or achieve a passing score on the professional education competency examination to be awarded a professional certificate.

The bill modifies s. 1012.575, F.S., relating to alternative preparation programs for certified teachers, to authorize an organization of private schools or a consortium of charter schools with an approved professional development system<sup>35</sup> to design alternative preparation programs for certified teachers to add an additional coverage to their certificates.

### **School Leadership Programs**

The bill modifies s. 1012.986, F.S., relating to the William Cecil Golden Professional Development Program for School Leaders. Specifically, the bill:

- Expands the definition of an “educational leader” from a principal to also include teacher leaders, assistant principals, or school district leaders.
- Expands the program collaborative network to include school districts, state-approved educational leadership programs, regional consortia, and charter management organizations.
- The bill removes the Southern Regional Education Board and the National Staff Development Council as adopters of the framework of leadership standards, but retains adoption by the SBE.
- Modifies the goal of the network leadership program to:
  - Provide resources to support educational leaders.
  - Expand the information maintained by the program to specify continued enhancement of learning, civic education, coaching and mentoring, mental health awareness, technology in education, distance learning, and school safety.
  - Increase the capacity of educational leadership programs.

<sup>35</sup> An organization of private schools or consortium of charter schools which has no fewer than 10 member schools in this state, which publishes and files with the DOE copies of its standards, and the member schools of which comply with the provisions specified in law relating to compulsory school attendance, may also develop a professional development system that includes a master plan for in-service activities. The system and in-service plan must be submitted to the commissioner for approval pursuant to SBE rules. Section 1012.98(6), F.S.



- Support evidence-based leadership practices for educational leaders.
- Modifies the delivery systems by which the DOE must coordinate program components to add universities and educational leadership coaching and mentoring, and specifies that local leadership academies are educational.

### **District School Boards**

The bill modifies s. 1001.43, F.S., relating to supplemental powers and duties of the district school board, to authorize members of special committees and advisory committees of a district school board to conduct meetings in person or through the use of telecommunications networks, such as telephonic and video conferencing. The bill specifies that such committees are not required to meet at a physical public place, and authorizes the provision of public access through the use of telecommunications technology.

### **High-Performing School Districts**

The bill modifies s. 1003.621, F.S., relating to academically high-performing school districts, to authorize high-performing school districts to provide up to two days of virtual instruction as part of the required 180 actual teaching or the equivalent on an hourly basis each school year, and specifies that the virtual instruction must be teacher-developed and aligned with enrolled courses.

The bill takes effect July 1, 2021.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

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

None.

### **C. Trust Funds Restrictions:**

None.

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

None.

### **E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.43, 1003.621, 1004.04, 1004.85, 1012.39, 1012.56, 1012.575, and 1012.986.

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

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

**Recommended CS/CS by the Appropriations Subcommittee on Education on April 8, 2021:**

The CS/CS makes the following changes:

- Authorizes members of special committees and advisory committees of a district school board to conduct meetings in person or through the use of telecommunications networks.
- Authorizes high-performing school districts to provide up to two days of virtual instruction as part of the required 180 actual teaching days.
- Adds an exception for educator preparation institute (EPI) program participants, as provided in s. 1012.56(7)(a)3., F.S., from the requirement to achieve a passing score on the professional education competency examination before completion of the EPI program, to each fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification. The CS/CS specifies that completion of an EPI program, along with completion of general certificate, general knowledge, and subject area requirements as specified in law, meets the requirements for an educator professional certificate.

**CS by Education on March 3, 2021:**

The committee substitute:

- Adds to the requirement that if an educator preparation institute implements a competency-based program, it must include strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such students to a mental health professional for support, and strategies to support the use of technology in education and distance learning.
- Authorizes an organization of private schools or a consortium of charter schools with an approved professional development system to design alternative preparation programs for certified teachers to add an additional coverage to their certificates.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
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Appropriations Subcommittee on Education (Wright) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (2) and paragraph  
(b) of subsection (3) of section 1004.04, Florida Statutes, are  
amended to read:

1004.04 Public accountability and state approval for  
teacher preparation programs.—

(2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—



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(b) The rules to establish uniform core curricula for each state-approved teacher preparation program must include, but are not limited to, the following:

1. Candidate instruction and assessment in the Florida Educator Accomplished Practices across content areas.

2. The use of state-adopted content standards to guide curricula and instruction.

3. 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.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. Strategies to differentiate instruction based on student needs.

8. The use of character-based classroom management.

9. Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such students to a mental health professional for support.

10. Strategies to support the use of technology in education and distance learning.

(3) INITIAL STATE PROGRAM APPROVAL.—

(b) Each teacher preparation program approved by the



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Department of Education, as provided for by this section, shall require students to meet, at a minimum, the following ~~requirements as prerequisites for admission into the program:~~

1. For admission into the program, have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule or any college or university otherwise approved pursuant to State Board of Education rule.

2. Demonstrate mastery of general knowledge ~~sufficient for entry into the program,~~ including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the State Board of Education.

~~Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification and shall annually report to the Department of Education the status of each candidate admitted under such a waiver.~~

Section 2. Paragraph (a) of subsection (2) and paragraphs (a) and (b) of subsection (3) of section 1004.85, Florida



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Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2)(a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:

1. Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for mid-career professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional development for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section



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must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(a) Within 90 days after receipt of a request for approval, the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall 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:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.

b. The use of state-adopted student content standards to guide curriculum and instruction.

c. 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.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. Strategies to differentiate instruction based on student





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needs.

h. The use of character-based classroom management.

i. Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such students to a mental health professional for support.

j. Strategies to support the use of technology in education and distance learning.

2. 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, which is based on an assessment of his or her competency in the areas listed in subparagraph 1.

3. Field experiences appropriate to the certification subject area specified in the educational plan 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.

4. A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening pursuant to s. 1012.32 and educator professional or temporary certification pursuant to s. 1012.56.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility in the certification subject area of the educational plan and meet the requirements of s. 1012.56(2)(a)-(f).



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2. Participate in coursework and field experiences that are appropriate to his or her educational plan prepared under paragraph (a).

3. Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and, except as provided in s. 1012.56(7)(a)3., achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 3. Paragraph (c) of subsection (1) of section 1012.39, Florida Statutes, is amended to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.—

(1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and 1012.57, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:

(c) Part-time and full-time nondegreed teachers of career programs. Qualifications shall be established for nondegreed teachers of career and technical education courses for program clusters that are recognized in the state and are based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:



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1. The filing of a complete set of fingerprints in the same manner as required by s. 1012.32. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.

c. Completion of career education training conducted through the local school district inservice master plan or through an educator preparation institute approved by the State Board of Education pursuant to s. 1004.85.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

f. Documentation of industry certification when state or national industry certifications are available and applicable.

Section 4. Subsection (3) and paragraph (a) of subsection (7) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—



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(3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on the general knowledge examination required by state board rule;

(b) Documentation of a valid professional standard teaching certificate issued by another state;

(c) Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education;

(d) Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program; ~~or~~

(e) Achievement of passing scores, identified in state board rule, on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills, including, but not limited to, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination. Passing scores identified in state board rule must be at approximately the same level of rigor as is required to pass the general knowledge examinations; or

(f) Documentation of receipt of a master's or higher degree from an accredited postsecondary educational institution that the Department of Education has identified as having a quality program resulting in a baccalaureate degree or higher.



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A school district that employs an individual who does not achieve passing scores on any subtest of the general knowledge examination must provide information regarding the availability of state-level and district-level supports and instruction to assist him or her in achieving a passing score. Such information must include, but need not be limited to, state-level test information guides, school district test preparation resources, and preparation courses offered by state universities and Florida College System institutions.

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).
2. For a professional certificate covering grades 6 through 12:
  - a. Meets the applicable requirements of paragraphs (2)(a)-(h).
  - b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.
  - c. Teaches a high school course in the subject of the advanced degree.
  - d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate



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examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8)(c) or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs ~~the program~~ and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, other extraordinary extenuating circumstances, or if the certificateholder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship



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program pursuant to s. 1012.56(8). The department shall extend the temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 5. Section 1012.575, Florida Statutes, is amended to read:

1012.575 Alternative preparation programs for certified teachers to add additional coverage.—A district school board, or an organization of private schools or a consortium of charter schools with an approved professional development system as described in s. 1012.98(6), may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 6. Subsections (1) and (2) of section 1012.986, Florida Statutes, are amended to read:

1012.986 William Cecil Golden Professional Development Program for School Leaders.—

(1) There is established the William Cecil Golden Professional Development Program for School Leaders to provide high-quality ~~high~~ standards and sustained support for



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educational principals as instructional leaders. For purposes of  
this section, "educational leader" means teacher leaders,  
assistant principals, principals, or school district leaders.

The program shall consist of a collaborative network of school  
districts, state-approved educational leadership programs,  
regional consortia, charter management organizations, and state  
and national professional leadership organizations to respond to  
educational instructional leadership needs throughout the state.

The network shall support the human-resource development needs  
of educational leaders ~~principals, principal leadership teams,~~  
~~and candidates for principal leadership positions~~ using the  
framework of leadership standards adopted by the State Board of  
Education, ~~the Southern Regional Education Board, and the~~  
~~National Staff Development Council~~. The goal of the network  
leadership program is to:

(a) Provide resources to support and enhance the roles of  
educational leaders ~~principal's role as the instructional~~  
~~leader~~.

(b) Maintain a clearinghouse and disseminate data-supported  
information related to the continued enhancement of enhanced  
student achievement and learning, civic education, coaching and  
mentoring, mental health awareness, technology in education,  
distance learning, and school safety, based on educational  
research and best practices.

(c) ~~Build the capacity to~~ Increase the quality and capacity  
of educational leadership development programs ~~for preservice~~  
~~education for aspiring principals and inservice professional~~  
~~development for principals and principal leadership teams.~~

(d) Support evidence-based leadership ~~best teaching and~~





751078

~~research-based instructional~~ practices through dissemination and modeling at the preservice and inservice levels for educational leaders ~~both teachers and principals.~~

(2) The Department of Education shall coordinate through the network identified in subsection (1) to offer the program components through multiple delivery systems, including:

(a) Approved school district training programs.

(b) Interactive technology-based instruction.

(c) Regional consortium service organizations pursuant to s. 1001.451.

(d) State, regional, university, or local educational leadership academies.

(e) Educational leadership coaching and mentoring.

Section 7. This act shall take effect July 1, 2021.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; amending s. 1004.04, F.S.; requiring additional specified strategies to be included in rules establishing uniform core curricula for each state-approved teacher preparation program; requiring that certain teacher preparation programs require students to demonstrate mastery of general knowledge by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation; deleting a provision authorizing a



751078

teacher preparation program to waive certain admissions requirements for up to 10 percent of admitted students; amending s. 1004.85, F.S.; expanding the instruction that an educator preparation institute may provide to include instruction and professional development for part-time and full-time nondegreed teachers of career programs; requiring the Department of Education to approve a certification program if an institute provides evidence of its capacity to implement a competency-based program that includes specified strategies; amending s. 1012.39, F.S.; revising the minimum qualifications for part-time and full-time nondegreed teachers of career programs; amending s. 1012.56, F.S.; revising the acceptable means of demonstrating mastery of general knowledge to include documentation of receipt of a master's or higher degree from certain postsecondary institutions; revising the criteria for the Department of Education to issue a professional certificate; amending s. 1012.575, F.S.; authorizing an organization of private schools or a consortium of charter schools with an approved professional development system to design alternative teacher preparation programs; amending s. 1012.986, F.S.; defining the term "educational leader"; providing that the William Cecil Golden Professional Development Program for School Leaders must consist of a network of specified entities; revising the goals of the program; requiring the department to offer program



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417 components through university or educational  
418 leadership academies and through educational  
419 leadership coaching and mentoring; making technical  
420 changes; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2021	.	
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Appropriations Subcommittee on Education (Passidomo) recommended the following:

**Senate Amendment to Amendment (751078) (with title amendment)**

Between lines 4 and 5  
insert:

Section 1. Subsection (10) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or



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State Board of Education rule.

(10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including, but not limited to, the provision of legal services for the district school board; conducting a district legislative program; district school board member participation at conferences, conventions, and workshops, including member compensation and reimbursement for expenses; district school board policy development, adoption, and repeal; district school board meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by nondistrict personnel; citizen communications with the district school board and with individual district school board members; collaboration with local government and other entities as required by law; and organization of the district school board, including special committees and advisory committees. Notwithstanding section 1001.372, members of special committees and advisory committees may conduct meetings in person or through the use of telecommunications networks such as telephonic and video conferencing. The committee is not required to meet at a physical public place, and public access may be provided through the use of telecommunications technology.

Section 2. Paragraph (g) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain



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or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1011.62(9)(d), relating to the requirement for a comprehensive reading plan, and s. 1011.60(2), relating to the operation of all schools for a term of 180 actual teaching days. A district that is exempt from submitting a comprehensive reading ~~this~~ plan shall be deemed approved to receive the research-based reading instruction allocation. Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education, and shall be deemed in compliance with s. 1011.60(2). This virtual instruction shall be teacher-developed and aligned with enrolled courses.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete line 379

and insert:

An act relating to education; amending s. 1001.43,



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69 F.S.; authorizing district school boards to conduct  
70 daily business in person or through the use of  
71 telecommunication networks; amending s. 1003.621,  
72 F.S.; exempting academically high-performing school  
73 districts from complying with a specified provision  
74 relating to the operation of all schools for a term of  
75 180 actual teaching days; authorizing academically  
76 high-performing school districts to provide up to 2  
77 days of virtual instruction; specifying requirements  
78 for the virtual instruction; amending s. 1004.04,

By the Committee on Education; and Senator Wright

581-02356-21

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1 A bill to be entitled  
 2 An act relating to education; amending s. 1004.04,  
 3 F.S.; requiring additional specified strategies to be  
 4 included in rules establishing uniform core curricula  
 5 for each state-approved teacher preparation program;  
 6 requiring that certain teacher preparation programs  
 7 require students to demonstrate mastery of general  
 8 knowledge by passing the General Knowledge Test of the  
 9 Florida Teacher Certification Examination by the time  
 10 of graduation; deleting a provision authorizing a  
 11 teacher preparation program to waive certain  
 12 admissions requirements for up to 10 percent of  
 13 admitted students; amending s. 1004.85, F.S.;  
 14 expanding the instruction that an educator preparation  
 15 institute may provide to include instruction and  
 16 professional development for part-time and full-time  
 17 nondegreed teachers of career programs; requiring the  
 18 Department of Education to approve a certification  
 19 program if an institute provides evidence of its  
 20 capacity to implement a competency-based program that  
 21 includes specified strategies; amending s. 1012.39,  
 22 F.S.; revising the minimum qualifications for part-  
 23 time and full-time nondegreed teachers of career  
 24 programs; amending s. 1012.56, F.S.; revising the  
 25 acceptable means of demonstrating mastery of general  
 26 knowledge to include documentation of receipt of a  
 27 master's or higher degree from certain postsecondary  
 28 institutions; revising the criteria for the Department  
 29 of Education to issue a professional certificate;

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 amending s. 1012.575, F.S.; authorizing an  
 31 organization of private schools or a consortium of  
 32 charter schools with an approved professional  
 33 development system to design alternative teacher  
 34 preparation programs; amending s. 1012.986, F.S.;  
 35 defining the term "educational leader"; providing that  
 36 the William Cecil Golden Professional Development  
 37 Program for School Leaders must consist of a network  
 38 of specified entities; revising the goals of the  
 39 program; requiring the department to also offer  
 40 program components through university or educational  
 41 leadership academies and through educational  
 42 leadership coaching and mentoring; making technical  
 43 changes; providing an effective date.  
 44

45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Paragraph (b) of subsection (2) and paragraph  
 48 (b) of subsection (3) of section 1004.04, Florida Statutes, are  
 49 amended to read:

50 1004.04 Public accountability and state approval for  
 51 teacher preparation programs.—

52 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

53 (b) The rules to establish uniform core curricula for each  
 54 state-approved teacher preparation program must include, but are  
 55 not limited to, the following:

56 1. Candidate instruction and assessment in the Florida  
 57 Educator Accomplished Practices across content areas.

58 2. The use of state-adopted content standards to guide

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



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curricula and instruction.

3. 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.

4. Content literacy and mathematics practices.

5. Strategies appropriate for the instruction of English language learners.

6. Strategies appropriate for the instruction of students with disabilities.

7. Strategies to differentiate instruction based on student needs.

8. The use of character-based classroom management.

9. Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support.

10. Strategies to support the use of technology in education and distance learning.

(3) INITIAL STATE PROGRAM APPROVAL.—

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet, at a minimum, the following requirements as prerequisites for admission into the program:

1. For admission into the program, have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the

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requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule or any college or university otherwise approved pursuant to State Board of Education rule.

2. Demonstrate mastery of general knowledge ~~sufficient for entry into the program~~, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the State Board of Education.

~~Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification and shall annually report to the Department of Education the status of each candidate admitted under such a waiver.~~

Section 2. Paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 1004.85, Florida Statutes, are amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2) (a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all

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of the following:

1. Professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for mid-career professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional development for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program previously approved by the Department of Education for this purpose or a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(a) Within 90 days after receipt of a request for approval,

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the Department of Education shall approve a preparation program pursuant to the requirements of this subsection or issue a statement of the deficiencies in the request for approval. The department shall 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:

1.a. Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.

b. The use of state-adopted student content standards to guide curriculum and instruction.

c. 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.

d. Content literacy and mathematical practices.

e. Strategies appropriate for instruction of English language learners.

f. Strategies appropriate for instruction of students with disabilities.

g. Strategies to differentiate instruction based on student needs.

h. The use of character-based classroom management.

i. Strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such students to a mental health professional for support.

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175 j. Strategies to support the use of technology in education  
 176 and distance learning.

177 2. An educational plan for each participant to meet  
 178 certification requirements and demonstrate his or her ability to  
 179 teach the subject area for which the participant is seeking  
 180 certification, which is based on an assessment of his or her  
 181 competency in the areas listed in subparagraph 1.

182 3. Field experiences appropriate to the certification  
 183 subject area specified in the educational plan with a diverse  
 184 population of students in a variety of challenging environments,  
 185 including, but not limited to, high-poverty schools, urban  
 186 schools, and rural schools, under the supervision of qualified  
 187 educators.

188 4. A certification ombudsman to facilitate the process and  
 189 procedures required for participants who complete the program to  
 190 meet any requirements related to the background screening  
 191 pursuant to s. 1012.32 and educator professional or temporary  
 192 certification pursuant to s. 1012.56.

193 Section 3. Paragraph (c) of subsection (1) of section  
 194 1012.39, Florida Statutes, is amended to read:

195 1012.39 Employment of substitute teachers, teachers of  
 196 adult education, nondegreed teachers of career education, and  
 197 career specialists; students performing clinical field  
 198 experience.—

199 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
 200 1012.57, or any other provision of law or rule to the contrary,  
 201 each district school board shall establish the minimal  
 202 qualifications for:

203 (c) Part-time and full-time nondegreed teachers of career

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204 programs. Qualifications shall be established for nondegreed  
 205 teachers of career and technical education courses for program  
 206 clusters that are recognized in the state and are based  
 207 primarily on successful occupational experience rather than  
 208 academic training. The qualifications for such teachers shall  
 209 require:

210 1. The filing of a complete set of fingerprints in the same  
 211 manner as required by s. 1012.32. Faculty employed solely to  
 212 conduct postsecondary instruction may be exempted from this  
 213 requirement.

214 2. Documentation of education and successful occupational  
 215 experience including documentation of:

216 a. A high school diploma or the equivalent.

217 b. Completion of 6 years of full-time successful  
 218 occupational experience or the equivalent of part-time  
 219 experience in the teaching specialization area. The district  
 220 school board may establish alternative qualifications for  
 221 teachers with an industry certification in the career area in  
 222 which they teach.

223 c. Completion of career education training conducted  
 224 through the local school district inservice master plan or  
 225 through an educator preparation institute approved by the State  
 226 Board of Education pursuant to s. 1004.85.

227 d. For full-time teachers, completion of professional  
 228 education training in teaching methods, course construction,  
 229 lesson planning and evaluation, and teaching special needs  
 230 students. This training may be completed through coursework from  
 231 an accredited or approved institution or an approved district  
 232 teacher education program.

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233 e. Demonstration of successful teaching performance.  
 234 f. Documentation of industry certification when state or  
 235 national industry certifications are available and applicable.  
 236 Section 4. Subsection (3) and paragraph (a) of subsection  
 237 (7) of section 1012.56, Florida Statutes, are amended to read:  
 238 1012.56 Educator certification requirements.—  
 239 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of  
 240 demonstrating mastery of general knowledge are:  
 241 (a) Achievement of passing scores on the general knowledge  
 242 examination required by state board rule;  
 243 (b) Documentation of a valid professional standard teaching  
 244 certificate issued by another state;  
 245 (c) Documentation of a valid certificate issued by the  
 246 National Board for Professional Teaching Standards or a national  
 247 educator credentialing board approved by the State Board of  
 248 Education;  
 249 (d) Documentation of two semesters of successful, full-time  
 250 or part-time teaching in a Florida College System institution,  
 251 state university, or private college or university that awards  
 252 an associate or higher degree and is an accredited institution  
 253 or an institution of higher education identified by the  
 254 Department of Education as having a quality program; ~~or~~  
 255 (e) Achievement of passing scores, identified in state  
 256 board rule, on national or international examinations that test  
 257 comparable content and relevant standards in verbal, analytical  
 258 writing, and quantitative reasoning skills, including, but not  
 259 limited to, the verbal, analytical writing, and quantitative  
 260 reasoning portions of the Graduate Record Examination. Passing  
 261 scores identified in state board rule must be at approximately

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262 the same level of rigor as is required to pass the general  
 263 knowledge examinations; or  
 264 (f) Documentation of receipt of a master's or higher degree  
 265 from an accredited postsecondary educational institution that  
 266 the Department of Education has identified as having a quality  
 267 program resulting in a baccalaureate degree or higher.  
 268  
 269 A school district that employs an individual who does not  
 270 achieve passing scores on any subtest of the general knowledge  
 271 examination must provide information regarding the availability  
 272 of state-level and district-level supports and instruction to  
 273 assist him or her in achieving a passing score. Such information  
 274 must include, but need not be limited to, state-level test  
 275 information guides, school district test preparation resources,  
 276 and preparation courses offered by state universities and  
 277 Florida College System institutions.  
 278 (7) TYPES AND TERMS OF CERTIFICATION.—  
 279 (a) The Department of Education shall issue a professional  
 280 certificate for a period not to exceed 5 years to any applicant  
 281 who fulfills one of the following:  
 282 1. Meets all the applicable requirements outlined in  
 283 subsection (2).  
 284 2. For a professional certificate covering grades 6 through  
 285 12:  
 286 a. Meets the applicable requirements of paragraphs (2)(a)-  
 287 (h).  
 288 b. Holds a master's or higher degree in the area of  
 289 science, technology, engineering, or mathematics.  
 290 c. Teaches a high school course in the subject of the

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advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8)(c) or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs ~~the program~~ and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the

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professional certificate were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, other extraordinary extenuating circumstances, or if the certificateholder 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). The department shall extend the temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 5. Section 1012.575, Florida Statutes, is amended to read:

1012.575 Alternative preparation programs for certified teachers to add additional coverage.—A district school board, or an organization of private schools or a consortium of charter schools with an approved professional development system as described in s. 1012.98(6), may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 6. Subsections (1) and (2) of section 1012.986,

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Florida Statutes, are amended to read:

1012.986 William Cecil Golden Professional Development Program for School Leaders.—

(1) There is established the William Cecil Golden Professional Development Program for School Leaders to provide high-quality ~~high~~ standards and sustained support for educational principals as instructional leaders. For purposes of this section, "educational leader" means teacher leaders, assistant principals, principals, or school district leaders. The program shall consist of a collaborative network of school districts, state-approved educational leadership programs, regional consortia, charter management organizations, and state and national professional leadership organizations to respond to educational instructional leadership needs throughout the state. The network shall support the human-resource development needs of educational leaders principals, principal leadership teams, and candidates for principal leadership positions using the framework of leadership standards adopted by the State Board of Education, ~~the Southern Regional Education Board, and the National Staff Development Council.~~ The goal of the network leadership program is to:

(a) Provide resources to support and enhance the roles of educational leaders ~~principal's role as the instructional leader.~~

(b) Maintain a clearinghouse and disseminate data-supported information related to the continued enhancement of enhanced student achievement and learning, civic education, coaching and mentoring, mental health awareness, technology in education, distance learning, and school safety, based on educational

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research and best practices.

(c) ~~Build the capacity to~~ Increase the quality and capacity of educational leadership development programs ~~for preservice education for aspiring principals and inservice professional development for principals and principal leadership teams.~~

(d) Support evidence-based leadership ~~best teaching and research-based instructional~~ practices through dissemination and modeling at the preservice and inservice levels for educational leaders both teachers and principals.

(2) The Department of Education shall coordinate through the network identified in subsection (1) to offer the program components through multiple delivery systems, including:

(a) Approved school district training programs.

(b) Interactive technology-based instruction.

(c) Regional consortium service organizations pursuant to s. 1001.451.

(d) State, regional, university, or local educational leadership academies.

(e) Educational leadership coaching and mentoring.

Section 7. This act shall take effect July 1, 2021.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Military and Veterans Affairs, Space, and  
Domestic Security, *Chair*  
Commerce and Tourism, *Vice Chair*  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Children, Families, and Elder Affairs  
Finance and Tax  
Transportation

### SENATOR TOM A. WRIGHT

14th District

March 5, 2021

The Honorable Doug Broxson  
418, Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Re: Senate Bill 934 – Education

Dear Chair Broxson:

Senate Bill 934, relating to Education has been referred to the Appropriations Subcommittee on Education. I am requesting your consideration on placing SB 934 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "Tom A. Wright", with a large, sweeping flourish underneath.

Tom A. Wright, District 14

cc: Tim Elwell, Staff Director of the Appropriations Subcommittee on Education  
JoAnne Bennett, Administrative Assistant of the Appropriations Subcommittee on Education

#### REPLY TO:

- ☐ 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
- ☐ 320 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

1

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

April 8, 2021

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 934

*Bill Number (if applicable)*

Topic Appropriations Subcommittee on Education - SB 934

*Amendment Barcode (if applicable)*

Name Jessica Fowler

Job Title Deputy Legislative Affairs Director

Address 325 W Gaines St

Phone (850)508-9896

*Street*

Tallahassee

FL

32399

Email jessica.fowler@fldoe.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Department of Education

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)



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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

4/8/2021

*Meeting Date*

SB 934

*Bill Number (if applicable)*

Topic Educator Certification

*Amendment Barcode (if applicable)*

Name Michael Barrett

Job Title Associate for Education

Address 201 W. Park Ave.

Phone (850) 205-6823

*Street*

Tallahassee

FL

32301

Email mbarrett@flaccb.org

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21

Meeting Date

934

Bill Number (if applicable)

425540

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Megan Fay

Job Title \_\_\_\_\_

Address 124 West. Jefferson St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-222-9075

Email megan@cccfla.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Collier County School District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-21

Meeting Date

934

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Wendy Dodge

Job Title Director Leg Affairs

Address PO Box 391

Phone 863-838-3632

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Bartow

FL

State

33831

Zip

Email wendy.dodge@polk-fl.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Polk County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21

Meeting Date

SB 934

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name James B. Herzog

Job Title Director of Legislative Services

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Saint Johns FL 32259

City

State

Zip

Email jherzog@fagns.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Association of Academic Nonpublic Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

4-8-21

Meeting Date

934

Bill Number (if applicable)

~~754078~~

Amendment Barcode (if applicable)

Topic Education

Name Brenda Dickinson

Job Title Lobbyist

Address PO Box 12563

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Phone 850-264-2184

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FL

32317

Email consultingbrenda@gmail.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Council of Independent Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/30/21

Meeting Date

SB 934

Bill Number (if applicable)

Topic Education Teacher Preparation

Amendment Barcode (if applicable)

Name Brita "Breeta" Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy Phone 407/855-7100

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State

32809

Zip

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

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Reset Form

04/08/2021

Meeting Date

THE FLORIDA SENATE

## APPEARANCE RECORD

934

Bill Number (if applicable)

425540

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Megan Fay

Job Title \_\_\_\_\_

Address 124 West Jefferson Street

Phone 850-222-9075

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Tallahassee

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32301

Email megan@cccfla.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Collier County School District

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21

Meeting Date

SB 934

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Ethan Merchant

Job Title Governmental Affairs Coordinator, Liberty Partners of Tallahassee

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32302

Zip

Email ethan@libertypartnersfl.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing National Coalition for Public School Options

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



**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 Appropriations Subcommittee on Education

---

BILL: PCS/CS/SB 1028 (479284)

INTRODUCER: Appropriations Subcommittee on Education; Education Committee; and Senator Hutson

SUBJECT: Charter Schools

DATE: April 12, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	<b>Fav/CS</b>
2.	Underhill	Elwell	AED	<b>Recommend: Fav/CS</b>
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

PCS/CS/SB 1028 adds provisions for public postsecondary institutions to serve as a charter school sponsor, modifies provisions for hope operators, and authorizes a career and professional academy to be offered by a charter school. Specifically, the bill:

- Authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools upon approval by the Department of Education (DOE).
- Provides that a state university sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands, and an FCS sponsored charter school may serve students from any county within the college's service area to meet workforce demands.
- Authorizes an FCS institution that operates an approved teacher preparation program to operate additional charter schools.
- Provides that the board of trustees of a sponsoring state university or FCS institution charter school is a local educational agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role.
- Provides that students attending a state university or FCS institution sponsored charter school are not to be included in the school district's grade calculation.
- Establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.
- Requires the DOE to collaborate to develop a charter school sponsor evaluation framework.

- Authorizes charter schools to provide career and professional academies and revises charter school enrollment limitations.
- Adds hope operators to the list of entities required to perform an annual financial audit.
- Modifies provisions that a high-performing charter school may submit two applications for a charter school within the state to be opened at a time determined by the high-performing charter school.
- Clarifies that instructional and noninstructional personnel at a school of hope must file with the school of hope, rather than the district school board as for other charter schools, a complete set of fingerprints taken by an authorized law enforcement agency or other recognized entity.
- Authorizes a charter school that is an exceptional student education center that receives a rating of “maintaining” or higher may replicate its educational program.
- Specifies that the limitation of one lab school per university does not apply to a university that establishes a lab school to serve a military installation within same county.
- Allows a virtual charter school to offer part-time instruction and contract with any public or charter school to provide a course the school does not provide.
- Provides for a direct appeal in a charter dispute if a party wants to bypass mediation.
- Revises the procedures for immediately terminating a charter school.
- Provides for the award of attorney fees and costs in certain circumstances.

The fiscal impact of the bill is discussed in Section V.

The bill takes effect on July 1, 2021.

## **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 tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools.<sup>1</sup> Forty-four states and the District of Columbia have enacted charter school laws as of January 2018.<sup>2</sup> Between the 2000-2001 and 2017-2018 school years, the percentage of all public schools that were charter schools increased from two to seven percent, and the total number of charter schools increased

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<sup>1</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (October 2020), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2020.pdf>.

<sup>2</sup> Education Commission of the States, *50-State Comparison Charter School Policies* <http://ecs.force.com/mbdata/mbquestNB2C?rep=CS1708> (last visited March 17, 2021).

from 2,000 to 7,200. The percentage of public school students nationwide attending public charter schools increased from one to six percent between fall 2000 and fall 2017.<sup>3</sup>

All charter schools in Florida are public schools and are part of the state's public education system.<sup>4</sup> During the 2019-2020 school year, over 329,000 students were enrolled in 673 charter schools in Florida. Sixty-nine percent of the students attending charter schools in the 2019-2020 school year were minorities. Hispanic students comprised 44 percent of Florida's charter school enrollment, and 19 percent were African-American students.<sup>5</sup>

### Charter School Sponsors

Under current Florida law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction. In addition, a state university may sponsor a charter developmental research school (charter lab school).<sup>6</sup> FCS institutions may work with school districts to develop charter schools as provided for in law, but may not sponsor a K-12 charter school.<sup>7</sup>

A charter school sponsor has several responsibilities, including:

- Approving or denying charter school applications.
- Overseeing each sponsored school's progress toward the goals established in the charter.
- Monitoring the revenues and expenditures of the school.
- Ensuring that the school participates in the state's education accountability system.
- Intervening when a sponsored school demonstrates deficient student performance or financial instability.<sup>8</sup>

A sponsor must provide administrative and educational services and may withhold a fee of up to five percent of each charter school's total operating funds.<sup>9</sup>

### Florida College System and State University Charter Schools

FCS institutions may work with school districts in the FCS institution's designated service area to develop charter schools that offer secondary education, including an option for students to receive an associate degree upon high school graduation. If an FCS institution offers a teacher preparation program, it may operate one charter school for students in kindergarten through

---

<sup>3</sup> National Center for Education Statistics, *Public Charter School Enrollment*, [https://nces.ed.gov/programs/coe/indicator\\_cgb.asp](https://nces.ed.gov/programs/coe/indicator_cgb.asp) (last visited March 17, 2021).

<sup>4</sup> Section 1002.33(1), F.S.

<sup>5</sup> Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida's Charter Schools* (October 2020), available at <http://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2020.pdf>.

<sup>6</sup> Section 1002.33(5)(a)1. and 2., F.S.

<sup>7</sup> FCS institutions may only sponsor a charter technical career center. Section 1002.33(5)(b)4., F.S. and Section 1002.34(3)(b), F.S.

<sup>8</sup> Section 1002.33(5)(b), F.S.

<sup>9</sup> Administrative and educational services include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program; test administration services; processing of teacher certificate data services; and information services. Section 1002.33(20)(a)1. and 2., F.S.

grade 12 and must implement innovative blended learning instructional models for students in kindergarten through grade 8.<sup>10</sup>

The table below lists the 15 FCS institution-operated charter schools in Florida:<sup>11</sup>

<b>District Sponsor</b>	<b>Charter School</b>	<b>Affiliated FCS Institution</b>
Charlotte	Florida SouthWestern Collegiate High School	Florida SouthWestern State College
Lee	Florida SouthWestern Collegiate High School	Florida SouthWestern State College
Manatee	State College of Florida Collegiate School - Bradenton	State College of Florida Manatee-Sarasota
Sumter	The Villages High School Early College Program	Lake-Sumter State College
Duval	San Jose Prep Charter	Florida State College at Jacksonville
Duval	Duval Charter at Baymeadows	Florida State College at Jacksonville
Duval	River City Science Academy	Florida State College at Jacksonville
Martin	Clark Advanced Learning Center	Indian River State College
Okaloosa	Collegiate High School at Northwest Florida State College	Northwest Florida State College
Polk	Polk State College Collegiate High School	Polk State College
Polk	Chain of Lakes Collegiate High School	Polk State College
Polk	Polk State Lakeland Gateway to College Charter High School	Polk State College
Pinellas	St. Petersburg Collegiate High School	St. Petersburg College
Pinellas	St. Petersburg Collegiate High School North Pinellas	St. Petersburg College
Sarasota	State College of Florida Collegiate School - Venice	State College of Florida Manatee-Sarasota

There are six existing university developmental research (laboratory) schools (lab schools). Of these, three are charter lab schools. Charter lab schools are not required to be established by the nearest state university.<sup>12</sup> The limitation of one lab school per university does not apply to charter lab schools authorized prior to June 1, 2003.<sup>13</sup> In considering an application to establish a charter lab school, a state university must consult with the district school board of the county in which the school is located. If a state university denies or does not act on the application, the applicant may appeal such decision to the State Board of Education (SBE).<sup>14</sup>

The table below lists the three charter lab schools operating in Florida:<sup>15</sup>

<b>State University Sponsor</b>	<b>County</b>	<b>Charter Lab School</b>
Florida Atlantic University	St. Lucie	Florida Atlantic University/St. Lucie Public Schools Palm Pointe Research School
Florida State University	Leon	Florida State University Schools
Florida State University	Broward	The Pembroke Pines Florida School

<sup>10</sup> Section 1002.33(5)(b)4., F.S.

<sup>11</sup> Email, Department of Education (March 19, 2021) (on file with the Senate Committee on Education).

<sup>12</sup> Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020), at 2. Developmental research (laboratory) schools (lab schools) are public schools. Each lab school must be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued is known as a charter lab school. Section 1002.32(2), F.S.

<sup>13</sup> Section 1002.32(2)(a), F.S.

<sup>14</sup> Section 1002.33(6)(g), F.S.

<sup>15</sup> Email, Department of Education (March 17, 2021) (on file with the Senate Committee on Education).

### Sparsity Supplement for Developmental Research (lab) Schools

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index.<sup>16</sup> This index is computed by dividing the FTE student membership of the qualified district by the number of permanent senior high school centers, not to exceed three. For districts with at least 20,000 FTE, but no more than 24,000 FTE, the index is computed by dividing the total FTE by the number of permanent senior high school centers, not to exceed four.<sup>17</sup>

Each eligible lab school in operation as of September 1, 2013, with a permanent high school center must also receive a proportional share of the sparsity supplement.<sup>18</sup>

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

To address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, the bill modifies s. 1002.33, F.S., and:

- Authorizes state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the SBE. A state university or FCS institution may deny an application for a charter school. Additionally:
  - A state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands.
  - An FCS-sponsored charter may exist in any county within its service area<sup>19</sup> to meet workforce demands; however, a charter school currently operated by an FCS institution is not eligible to be sponsored by an FCS institution until its existing charter with the school district expires. An FCS-sponsored charter may offer postsecondary programs leading to industry certifications for eligible charter school students.
- Removes the requirements that an FCS institution that operates an approved teacher preparation program:
  - May operate no more than one charter school; and
  - Implement an innovative blended learning instructional model for students in kindergarten through grade eight at a charter school it operates.
- Specifies that a charter's racial/ethnic balance must reflect that of nearby public schools rather than public schools located geographically within the district to address state university and FCS sponsored charter schools which may serve students from multiple school districts.
- Prohibits an FCS institution from reporting the full-time equivalent (FTE) for any students participating in FCS-sponsored charter schools who receive FTE funding through the FEFP.
- Clarifies that a student enrolled in a charter school sponsored by a state university or FCS institution may not be included in the calculation of the school district's grade.

<sup>16</sup> Florida Department of Education, *2020-21 Funding for Florida School Districts* (2020), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

<sup>17</sup> Section 1011.62(7), F.S.

<sup>18</sup> Section 1002.32(9)(a), F.S.

<sup>19</sup> FCS institution service areas are defined in s. 1000.21(3), F.S.

The bill modifies s. 1002.32, F.S. to specify that the limitation of one lab school per university does not apply to a university that establishes a lab school to serve a military installation within same county, and authorizes all lab schools with permanent high school centers to receive a proportional share of the sparsity supplement, not just for those in operation prior to September 1, 2013.

To ensure charter school sponsor accountability, the bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework that must address, at a minimum:

- The sponsor's strategic vision for charter school authorizing and progress towards that vision;
- Alignment of the sponsor's policies and practices to best practices for charter school authorizing;
- Academic and financial performance of all operating charter schools overseen by the sponsor; and
- The status of charter schools authorized by the sponsor, including approved, operating and closed schools.

The bill requires the DOE to compile the results of the evaluation framework, by sponsor, and add them to its annual charter school sponsor report.

The bill requires the sponsor to provide equal access to student information systems that are used by public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Additionally, the sponsor must provide student performance data, such as standardized test scores and previous public school student report cards, for each student in the charter school.

The bill replaces the terms "public school district" with "public school system" and "school district" with "sponsor" to conform to the establishment of FCS institutions and state universities as authorized charter school sponsors.

## **Establishing a Charter School**

### ***Present Situation***

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity submits an application to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines expectations of both parties regarding the school's academic and financial performance.<sup>20</sup>

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<sup>20</sup> See Florida Department of Education, Charter Schools, *Frequently Asked Questions*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited March 17, 2021).

### Charter School Application

An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.<sup>21</sup> All charter applicants must prepare and submit a standard application, which:<sup>22</sup>

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to five years.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require.
- Documents, for the establishment of a virtual charter school, the applicant has contracted with a provider of virtual instruction services in accordance with law.<sup>23</sup>

A sponsor receives and reviews all charter school applications and, within 90 calendar days of receipt, must by majority vote approve or deny the application. A sponsor must receive and consider charter school applications received on or before February 1 of each year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant.<sup>24</sup>

If an application is denied, the sponsor must within ten calendar days provide specific written reasons, based upon good cause, for its denial to the applicant and the DOE.<sup>25</sup> The applicant has 30 calendar days to file an appeal with the SBE after the denial of or failure to act upon an application. The state board's decision is a final action subject to judicial review in the District Court of Appeal.<sup>26</sup>

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<sup>21</sup> Section 1002.33(3)(a), F.S.

<sup>22</sup> Section 1002.33(6)(a), F.S. Charter school applications are incorporated into State Board of Education (SBE) Rule 6A-6.0786, F.A.C.

<sup>23</sup> Section 1002.45(1)(d), F.S.

<sup>24</sup> A sponsor may receive and consider applications after February 1, if it chooses. Section 1002.33(6)(b), F.S.

<sup>25</sup> Section 1002.33(6)(b)3.a., F.S.

<sup>26</sup> Section 1002.33(6)(c)-(d), F.S.; *see also* s. 120.68, F.S.

### Charter School Sponsor Reporting

A charter school sponsor must submit an annual report to the DOE summarizing the following:

- The number of draft applications received on or before May 1 and each applicant's contact information;
- The number of final applications received on or before August 1 and each applicant's contact information;
- The date each application was approved, denied, or withdrawn; and
- The date each final contract was executed.<sup>27</sup>

The DOE must compile the reported sponsor information into an annual report, by district, and post the information on its website by November 1 each year.<sup>28</sup>

### Causes for Nonrenewal or Termination

A charter school sponsor must make student academic achievement for all students the most important factor when determining whether to renew or terminate a charter, but may terminate or not renew a charter for any of the following reasons:

- Failure to participate in the state's education accountability system or failure to meet the charter's requirements for student performance.
- Failure to meet generally accepted standards of fiscal management.
- Material violation of law.
- Other good cause shown.<sup>29</sup>

A sponsor must provide 90-days written notice to the charter school prior to termination or nonrenewal, except that a charter may be terminated immediately if the sponsor sets forth particular facts and circumstances indicating an immediate and serious danger to the health, safety or welfare of the students.<sup>30</sup> The sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE of an immediate termination. The governing board is entitled to a formal hearing with an administrative law judge (ALJ), who must issue a final order to the sponsor. The governing board may appeal the final order in the District Court of Appeal. Under these circumstances, the sponsor must assume operation of the charter school throughout the pendency of the hearing.<sup>31</sup>

### Award of Attorney Fees and Costs

Current law provides the award of a reasonable attorney fees and costs to the prevailing party in a dispute between a sponsor and a charter school, including:

- A dispute under the charter;<sup>32</sup>

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<sup>27</sup> Section 1002.33(5)(b)1.k.(I)-(II), F.S.

<sup>28</sup> Section 1002.33(5)(b)1.k.(III), F.S. *See* Florida Department of Education, *Annual Authorizer Report 2019* (2020), available at <http://www.fldoe.org/core/fileparse.php/9905/urlt/19-AuthorizerReport.pdf>.

<sup>29</sup> Section 1002.33(8)(a)1.-4., F.S.

<sup>30</sup> Section 1002.33(8)(b) and (c), F.S.

<sup>31</sup> Section 1002.33(8)(c), F.S. The administrative law judge must award the prevailing party reasonable attorney fees and costs incurred during the administrative proceedings and any appeals.

<sup>32</sup> Section 1002.33(7)(b), F.S.



- The termination of nonrenewal of a charter school;<sup>33</sup> and
- Disputes relating to contracts for goods and services separate from the charter.<sup>34</sup>

For a charter school that is terminated immediately due to an immediate and serious danger to the health, safety or welfare of the school's students, the sponsor must assume operation of the charter school during any hearing to dispute the termination. Failure by the sponsor to assume and continue operation of the charter school must result in the awarding of reasonable costs and attorney's fees if the charter school prevails on appeal.<sup>35</sup>

### Charter School Student Enrollment

Prospective students must apply for enrollment in a charter school, and if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>36</sup> A charter school may give enrollment preference to the following specific student populations:<sup>37</sup>

- Students who are siblings of a student enrolled in the charter school.
- Students who are the children of a member of the governing board of the charter school.
- Students who are the children of an employee of the charter school.
- Students who are the children of:
  - An employee of the business partner of a charter school-in-the-workplace or a resident of the municipality in which the charter school is located; or
  - A resident or employee of a municipality that operates a charter school-in-a-municipality or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.
- Students who have successfully completed a voluntary prekindergarten education (VPK) program provided by the charter school or the charter school's governing board during the previous school year.
- Students who are the children of an active duty member of any branch of the United States Armed Forces.
- Students who attended or are assigned to failing schools and have received an opportunity scholarship to enroll and attend a higher performing school.<sup>38</sup>

A charter school may be exempt from specific enrollment requirements if the school is open to any student covered in an inter-district agreement and any student residing in the school district

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<sup>33</sup> Section 1002.33(8)(b), F.S.

<sup>34</sup> Section 1002.33(20)(b), F.S.

<sup>35</sup> Section 1002.33(8)(c), F.S.; *See also* Championship Academy of Distinction at Davie, Inc. v. Broward County School Board, Case No.20-4344F (Fla. DOAH Dec. 17, 2020). The final order denied the petitioners entitlement to attorney's fees and costs under s. 1002.33(c) finding that the fee provision under 1002.33(8)(b), F.S. is substantive, rather than procedural, and as such, it cannot be included among the procedures set forth in paragraph (b) that have been incorporated into s. 1002.33(8)(c), F.S.

<sup>36</sup> Section 1002.33(10)(b), F.S.

<sup>37</sup> Section 1002.33(10)(d)1.-7., F.S.

<sup>38</sup> Section 1002.38(2), F.S.

in which the charter school is located.<sup>39</sup> A charter school may limit the enrollment process only to target the following student populations:

- Students within specific age groups or grade levels.
- Students considered at risk of dropping out of school or academic failure.
- Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality.<sup>40</sup>
- Students residing within a reasonable distance of the charter school.
- Students who meet established academic, artistic, or other eligibility standards.
- Students articulating from one charter school to another.
- Students living in a development in which a business entity provides the school facility and related property having an appraised value of at least \$5 million.<sup>41</sup>

### *Effect of Proposed Changes*

#### Charter School Application

The bill modifies s. 1002.33, F.S., by repealing an obsolete August 1 application deadline and specifying that each sponsor's report to the DOE must reflect the applications it receives by the February 1 deadline. The bill modifies the charter school application process to specify that an application may be submitted at any time, rather than by February 1.

The bill repeals the requirement that a charter school sponsor report on draft applications it receives and revises the date by which a sponsor must annually report the number of applications it receives from August 31 to November 1. Accordingly, the bill revises the date by which the DOE annually reports the number of applications on its website from November 1 to January 15.

Additionally, the bill allows a charter school to be opened at a time determined by the applicant and removes the requirement that the charter school initial startup commences with the beginning of the public school calendar for the district where the charter is granted.

The bill authorizes the SBE to withhold state funds from a district school board that is in violation of a state board decision on a charter school.

#### Charter Contract

The bill authorizes a charter school to immediately appeal any formal or informal decision by a sponsor in a dispute regarding a charter contract to an administrative law judge. The appeal may occur if either the charter school or the sponsor do not wish to mediate the decision and indicates such a decision in writing.

The bill specifies that changes to a charter school's curriculum consistent with state standards and necessary to implement blended learning are deemed approved in terms of modifications to the charter, unless the sponsor determines in writing that the curriculum is inconsistent with state standards.

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<sup>39</sup> Section 1002.33(10)(a), F.S.

<sup>40</sup> Section 1002.33(15), F.S.

<sup>41</sup> Section 1002.33(10)(e), F.S.

### Charter School Student Enrollment

The bill expands the enrollment preference for students who complete the VPK program provided by the charter school to include students who complete the program at a provider with which the charter school has a written agreement.

The bill expands the criteria by which a charter school may limit the enrollment process to include students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools, facilities and related property in an amount equal to or having a total appraised value of at least \$5 million.

### Termination

In the case of an immediate termination of a charter school, the bill requires the sponsor to provide the facts and circumstances supporting the termination in writing. They must demonstrate that an immediate and serious danger exists to the charter school's students, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary.

The bill authorizes a charter school sponsor to seek an injunction in circuit court to prohibit continued operation of a charter school if continued operation of the school would materially threaten the health, safety, or welfare of the students.

The bill removes the requirement for a sponsor to assume and continue operation of a charter school pending a hearing on the school's immediate termination.

### Award of Attorney Fees and Costs

The bill revises requirements for awarding reasonable attorney fees and costs in disputes relating to charter schools by:

- Authorizing the prevailing party in the appeal of a charter school application denial to file an action with the Division of Administrative Hearings to recover reasonable attorney's fees and costs incurred during the denial and any appeals; and
- Authorizes an administrative law judge to award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal.

## **High-Performing Charter Schools**

### ***Present Situation***

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.<sup>42</sup> A high-performing charter school is a charter school that during each of the three previous years:

- Received at least two school grades of "A" and no school grade below "B;"
- Has received an unqualified opinion<sup>43</sup> on each annual financial audit; and

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<sup>42</sup> Section 1002.331(1), F.S.

<sup>43</sup> An unqualified audit opinion means that the charter school's financial statements are materially correct.

- Has not received an annual financial audit that reveals a financial emergency condition.<sup>44</sup>

Initial eligibility for “high-performing” status is verified by the commissioner, upon request by a charter school. Thereafter, the commissioner must annually verify continued eligibility.<sup>45</sup>

High-performing charter schools may take advantage of various benefits, such as, the operator of a high-performing charter school may submit an application in any Florida school district to establish and operate a new charter school that substantially replicates one of its high-performing charter schools. The application process for such applications is streamlined to expedite approval.<sup>46</sup>

A high-performing charter school may not be replicated more than twice in any given year and may not replicate again until the new charter school achieves “high-performing” status.<sup>47</sup> Systems may replicate their high-performing charter schools using the same process applicable to high-performing charter schools.<sup>48</sup> Additionally, a high-performing charter school may have the term of its charter extended to up to 15 years.<sup>49</sup>

A high-performing charter school may increase the school’s enrollment once per year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. If the school chooses to expand the grade levels it serves, e.g., a K-5 school adding grade six, the facility capacity must include any improvements to an existing facility or any new facility in which a majority of the high-performing charter school students will enroll. A high-performing charter school may also expand grade levels within kindergarten through grade 12 to add grade levels not already served as long as the increase in enrollment in either case does not exceed the current facility capacity.<sup>50</sup>

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

The bill modifies s. 1002.331, F.S., to allow a high-performing charter school to submit two applications at a time instead of two per year. Subsequent applications may be submitted so long as each previous charter school application is withdrawn or has commenced operation instead of upon each school being designated high-performing.

The bill revises the determination of a high-performing charter school facility’s capacity so that any expansion of enrollment, regardless of grade level expansion or where a majority of new students will be enrolled, is based on the school’s facilities at the time the expansion will take effect.

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<sup>44</sup> Section 1002.331(1), F.S.; see s. 218.503(1), F.S. (financial emergency conditions).

<sup>45</sup> Sections 1002.331(4) and 1002.332(2)(a), F.S.

<sup>46</sup> Section 1002.331(3)(a)1. and 2., F.S.

<sup>47</sup> Section 1002.331(3)(b), F.S.

<sup>48</sup> Section 1002.332(2)(b), F.S.

<sup>49</sup> Section 1002.331(2)(e), F.S.

<sup>50</sup> Section 1002.331(2)(a) and (b), F.S.

## Charter School Funding

### *Present Situation*

Charter school operations, like other public schools, are funded through the Florida Education Finance Program (FEFP). Each charter school reports student enrollment to its sponsor for inclusion in the district's report of student enrollment for FEFP funding. Operating funds from the FEFP are distributed to the charter school by the sponsor. A charter school is entitled to receive its proportionate share of categorical funds included in the FEFP for qualifying students.<sup>51</sup> Categorical funds must be spent for specified purposes, such as student transportation, safe schools, and supplemental academic instruction.

Charter schools are eligible to receive federal education funding through such programs as the Individuals with Disabilities Education Act (IDEA), Title I programs for disadvantaged students, and Title II programs for improving teaching and leadership in the same manner as district school board-operated public schools and must be included in requests for federal funding by the school district or the DOE.<sup>52</sup> A high performing charter school system<sup>53</sup> governing board may be designated as a local educational agency for the purpose of receiving federal funds, the same as if the charter school system were in the school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsoring district school board and the DOE.<sup>54</sup>

Capital outlay funding for charter schools consists of state funds when appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary millage authorized in law.<sup>55</sup> To be eligible to receive capital outlay funds, a charter school must:

- Have operated for two or more years and meet specified requirements.<sup>56</sup>
- Have an annual audit that does not reveal any financial emergency conditions.
- Have satisfactory student achievement based on state accountability standards.
- Have received final approval from its sponsor for operation during that fiscal year.
- Serve students in facilities that are not provided by the charter school's sponsor.<sup>57</sup>

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<sup>51</sup> Section 1002.33(17)(a) and (b), F.S.

<sup>52</sup> Section 1002.33(17)(c), F.S.

<sup>53</sup> A high-performing charter school system is an entity that operated at least three high-performing charter schools in the state during each of the previous 3 school years; operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools and no charter school earned a school grade of "D" or "F", and did not receive a financial audit that revealed one or more of the financial emergency conditions. Section 1002.332 (1)(b), F.S.

<sup>54</sup> Section, 1002.33(25), F.S.

<sup>55</sup> Section 10013.62, F.S.

<sup>56</sup> Specified requirements include being governed by a governing board established in the state for two or more years which operates both charter schools and conversion charter schools within the state; being an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds; having been accredited by a regional accrediting association as defined by State Board of Education rule; or serving students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s.1002.33(15)(b). Section 1013.62(1)(a), F.S.

<sup>57</sup> Section 10013.62(1)(a), F.S.

While each university receives additional state capital funding, unlike local school districts, university lab schools are dependent on funding from the Legislature for both operational and capital needs.<sup>58</sup>

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

The bill modifies s. 1002.33, F.S., to provide that students enrolled in a charter school sponsored by a state university or FCS institution be funded as if they are in a basic program or special program in the school district.

The bill establishes the basis for funding these students as the sum of the total operating funds for the school district in which the school is located as provided from the FEFP and the GAA, including gross state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy; divided by total funded weighted FTE students in the school district; and multiplied by the FTE membership of the charter school.

The bill specifies that a board of trustees of a sponsoring state university or FCS institution is the local education agency (LEA) for the charter schools it sponsors. As the LEA, the sponsor may receive federal funds and accepts full responsibility for the schools it oversees, including LEA requirements.

The DOE is required to develop a tool that each state university or FCS institution sponsoring a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total obtained by the calculation must be appropriated to the charter school from state funds in the GAA.

In addition, the bill requires capital outlay funding for state university or FCS-sponsored charter schools to be determined in accordance with the requirements established in law for other charter schools.

### **Exceptional Student Education Centers**

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

Exceptional Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.<sup>59</sup> A student may not be given special instruction or services as an ESE student until after the student has been properly evaluated and found eligible.<sup>60</sup>

With regard to students with disabilities, the IDEA requires school districts to make a free appropriate public education (FAPE) available to such students ages three through 21.<sup>61</sup> A FAPE must include special education and related services<sup>62</sup> that are provided by the public school

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<sup>58</sup> Board of Governors, *2020 Agency Analysis of SB 1578* (Jan. 27, 2020) (on file with the Senate Committee on Education).

<sup>59</sup> Section 1003.57(1)(b), F.S.; Rule 6A-6.03411(1)(m) and (n), F.A.C.

<sup>60</sup> Section 1003.57(1)(c), F.S.; *see also* Rule 6A-6.0331, F.A.C.

<sup>61</sup> 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; Rules 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

<sup>62</sup> "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology

system at no cost to the parent, which meet the standards of the state and which are in conformity with the student's individual educational plan (IEP).<sup>63</sup>

An ESE center is a separate public school to which nondisabled students ages six through 21 years of age do not have access to.<sup>64</sup> For school accountability purposes, an ESE center school is one which is specifically designed to meet the needs of students with disabilities and in which all students in attendance in grades K-12 are identified as students with a disability.<sup>65</sup> Each ESE center must choose to receive a school grade based on student performance on statewide standardized assessments or to receive a school improvement rating.<sup>66</sup> An ESE center school that does not choose to receive a school grade must be assigned a school improvement rating of Commendable, Maintaining, or Unsatisfactory annually, and the school must assess at least 80 percent of their eligible students to receive a school improvement rating. A school that tests less than 90 percent of its students may not earn a rating higher than maintaining.<sup>67</sup>

The school improvement rating is calculated using student learning gains on statewide, standardized English Language Arts and Mathematics assessments for all eligible students who are enrolled in the school and who have assessment scores, concordant scores, or comparable scores for the preceding school year.<sup>68</sup>

The overall school improvement rating is calculated based on the percentage of possible points, 100 points are available for each component, earned by each school.<sup>69</sup> A school's overall improvement rating based, on applicable points earned, are as follows:

- “Commendable” – a significant percentage of students attending the school are making learning gains
- “Maintaining” – a sufficient percentage of students attending the school are making learning gains
- “Unsatisfactory” – an insufficient percentage of students attending the school are making learning gains

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

The bill modifies s. 1008.3415, F.S., by requiring the commissioner, upon request by a charter school that is an ESE center that has two consecutive ratings of “maintaining” or higher, to provide a letter to the charter school authorizing it to replicate its educational programs in the same manner as a high-performing charter school.

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services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes.” “Related services” also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

<sup>63</sup> 34 C.F.R. s. 300.17; Rule 6A-6.03411(1)(p), F.A.C.

<sup>64</sup> Section 1003.57(1)(a)1.a., F.S.

<sup>65</sup> Rule 6A-1.099828(2)(b), F.A.C.

<sup>66</sup> Section 1008.3415, F.S.; *see also* s. 1008.34(3)(a), F.S.

<sup>67</sup> Rule 6A-1.099822(3)(c)-(d), F.A.C.

<sup>68</sup> Section 1008.341(3), F.S.

<sup>69</sup> Section 1008.341(4)(b)1, F.S.

The bill modifies s. 1002.33, F.S., by specifying the charter school sponsor's administrative fee for up to two percent for enrollment of up to and including 250 students in an ESE center.

## **Virtual Instruction Programs**

### ***Present Situation***

Florida law establishes a variety of options to make virtual instruction accessible to K-12 students. These options include:

- Full-time or part-time enrollment in a school district virtual instruction program;<sup>70</sup>
- Full-time enrollment in a virtual charter school;<sup>71</sup>
- Enrollment in individual virtual courses offered by school districts and approved by the DOE;<sup>72</sup> and
- Full-time and part-time enrollment in Florida Virtual Schools (FLVS) or school district FLVS franchises.<sup>73</sup>

The DOE is required to annually publish online a list of providers approved to offer virtual instruction programs in Florida. To be approved by the DOE, among other requirements specified in law, a virtual provider must document that the provider makes available to parents and students in their virtual program specific contact information. The contact information must be posted and accessible online and include, but is not limited to, the following teacher-parent and teacher-student contact information for each virtual course:

- How to contact the instructor via phone, e-mail, or online messaging tools.
- How to contact technical support via phone, e-mail, or online messaging tools.
- How to contact the administration office via phone, e-mail, or online messaging tools.
- Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.
- The requirement that the instructor in each course must, at minimum, conduct one contact via phone with the parent and the student each month.

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

The bill amends s. 1002.45, F.S. to allow a virtual charter school to offer part-time instruction; be an approved provider; and to contract with any public or charter school to allow the participation of the virtual charter school's students in courses that the virtual school is unable to provide.

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<sup>70</sup> Section 1002.45, F.S.

<sup>71</sup> Sections 1002.33(1) and 1002.45(1)(d), F.S.

<sup>72</sup> Section 1003.498, F.S.

<sup>73</sup> Section 1002.45(2)(a), F.S.; see also Florida Department of Education, List of Approved Program and Course Providers, <https://www.fldoe.org/schools/school-choice/virtual-edu/provider-resources/approved-providers/> (last visited April 7, 2021).



## **Career and Professional Academies**

### ***Present Situation***

In 2007, the Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.<sup>74</sup> The primary purpose of the CAPE Act is to:

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to post-secondary level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.<sup>75</sup>

Each school board must offer career and professional academies<sup>76</sup> and include plans to implement a career and professional academy or career-themed course in at least one middle school in the district as part of its three-year strategic plan.<sup>77</sup> A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs.<sup>78</sup> During the 2019-20 school year, 67 school districts, as well as, the Florida Virtual School, Florida School for Deaf and Blind, the Florida State University School, and the Florida A&M University Laboratory School registered 1,706 high school and 301 middle school career and professional academies with 194,197 participating students.<sup>79</sup>

Current law does not expressly authorize charter schools to offer career and professional academies.

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

The bill modifies s. 1003.493 F.S., to authorize charter schools to provide career and professional academies. This may increase the number of charter middle and high schools offering career and professional academies to better meet career and workforce needs.

## **Schools of Hope**

### ***Present Situation***

In 2017, the Legislature established the Schools of Hope Program to provide students in areas of persistently low-performing schools the opportunity to access a high-quality education designed

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<sup>74</sup> Section 1003.491, F.S.

<sup>75</sup> *Id.* at (1).

<sup>76</sup> Section 1003.493(1)(a), F.S.

<sup>77</sup> Section 1003.4935(1), F.S.

<sup>78</sup> Section 1003.493(1)(a), F.S.

<sup>79</sup> Florida Department of Education, *Career and Professional Education Act, Enrollment and Performance Report, 2019-20* (2021), available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1920capepr.pdf>.

to close the opportunity gap and increase student achievement.<sup>80</sup> A school of hope is defined as a charter school operated by a hope operator to serve students from one or more persistently low-performing schools; is located within the attendance zone of the persistently low-performing school or within a five mile radius of the school, whichever is greater; and is a Title I eligible school.<sup>81</sup>

Under the Schools of Hope Program administered by the DOE, a school of hope may receive additional funding for certain expenses such as funds for initial school facility leasing, hiring instructional support personnel, or acquiring supplies and educational materials, along with other expenses specified in law. Funds allocated which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to five years.<sup>82</sup>

A school of hope may request that the SBE designate the school as an LEA for the purposes of receiving federal funds. As an LEA, the school accepts the full responsibility for all LEA requirements and the schools for which it will perform LEA responsibilities. Students enrolled in a school established by a hope operator designated as an LEA are not eligible students for purposes of calculating a district's school grade.<sup>83</sup>

A school of hope must report its students to the school district for purposes of determining the school district's full-time equivalent FTE membership in calculating the FEFP.<sup>84</sup>

#### Persistently Low Performing Schools

A persistently low-performing school is a school that has earned three grades lower than a "C" in at least three of the previous five school years and has not earned a grade of "B" or higher in the most recent two school years. A school is also a persistently low-performing school if it was closed pursuant to the school's turnaround option plan within two years after the submission of a notice of intent.<sup>85</sup> The SBE must publish annually a list of persistently low-performing schools and must provide students in persistently low-performing schools with a public school that meets accountability standards.<sup>86</sup> For school year 2018-2019, the SBE's published list includes 183 persistently low-performing schools.<sup>87</sup>

Pursuant to the DOE Emergency Order No. 2020-EO-1, the spring administration of K-12 statewide, standardized assessments for the 2019-2020 school year was canceled and accountability measures reliant on the assessment data, such as school grades, were not calculated for the 2019-2020 school year.<sup>88</sup>

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<sup>80</sup> Section 43, ch. 2017-116, L.O.F., codified at s.1002.333, F.S.

<sup>81</sup> Section 1002.333(1)(d)1., F.S.

<sup>82</sup> Section 1002.333(10), F.S.

<sup>83</sup> Section 1002.333(6)(a), F.S.

<sup>84</sup> Section 1002.333(6)(g), F.S.

<sup>85</sup> Section 1002.333(1)(c), F.S.

<sup>86</sup> Section 1002.333(11)(d), F.S.

<sup>87</sup> Florida Department of Education, Florida School Accountability Reports, *Persistently Low-Performing Schools (2019)*, available at <http://fldoe.org/core/fileparse.php/18534/urlt/PLPSchools19.xls>.

<sup>88</sup> Florida Department of Education, *Emergency Order No. 2020-EO-1 (March 2020)*, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

### Hope Operators

A hope operator is a tax-exempt, nonprofit organization that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the SBE as a hope operator.<sup>89</sup> SBE rule designates an entity as a hope operator if it submits a complete application and meets at least one of the following criteria:<sup>90</sup>

- The entity was awarded a United States Department of Education Charter School Program grant for the Replication and Expansion of High-Quality Charter Schools pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (20 U.S.C. 7221-7221j) within the preceding three years from the date the entity submits an application to the Department;
- The entity has a current and active grant award for funding through the National Fund of the Charter School Growth Fund; or
- The entity is a non-profit charter school that is selected by a district school board to turnaround the performance of a low-performing public school.

Designation as a hope operator is valid for five years from the opening of a school of hope.<sup>91</sup> Presently, Florida has designated five hope operators: Democracy Prep Public Schools, Inc., Individuals Dedicated to Excellence and Achievement (IDEA) Public Schools, the Knowledge is Power Program (KIPP) New Jersey, Mater Academy, and Somerset Academy, Inc.<sup>92</sup>

### Facilities

A school of hope must use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities (SREF). A school of hope that uses school district facilities must comply with SREF only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities, as specified in law.<sup>93</sup>

Each school district must provide to the DOE, no later than October 1, a list of all underused, vacant, or surplus facilities owned or operated by the school district. A hope operator establishing a school of hope may use an educational facility identified by a school district at no cost or at a mutually agreeable cost not to exceed \$600 per student. Also, a hope operator that uses a facility owned or operated by a school district may not sell or dispose of the facility without the written permission of the school district.<sup>94</sup>

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<sup>89</sup> Section 1002.333(2), F.S.

<sup>90</sup> Rule 6A-1.0998271(2)(b), F.A.C.

<sup>91</sup> Section 1002.333(3), F.S.

<sup>92</sup> Florida Department of Education, *Schools of Hope*, <http://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited March 22, 2021).

<sup>93</sup> Section 1002.333(7)(a), F.S.

<sup>94</sup> Section 1002.333(7)(d), F.S.

### Personnel Background Screening

Each person who seeks educator certification in Florida must be fingerprinted and undergo a state and national criminal history background screening by a district school board or the DOE.<sup>95</sup> If a background screening reveals a criminal history, or if an applicant for certification acknowledges a criminal history, the applicant's records must be assigned to DOE's Office of Professional Practices Services (OPPS) for review and determination of eligibility for certification.<sup>96</sup>

Instructional and non-instructional personnel hired or contracted to fill positions that require direct contact with students in any charter school are required to undergo background screening<sup>97</sup> by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.<sup>98</sup> Current law provides a list of disqualifying criminal offenses for educator certification or employment in any position that requires direct contact with students in a charter school.<sup>99</sup> Instructional and non-instructional personnel who are hired must be rescreened every five years.<sup>100</sup>

### Charter School Capital Outlay Funding

Capital outlay funds appropriated by the Legislature in the GAA are allocated to eligible charter schools by the DOE based on a methodology specified in law.<sup>101</sup> For fiscal year 2020-2021, the Legislature appropriated \$169.6 million for charter school capital outlay funding.<sup>102</sup> As of March 2021, 610 charter schools received capital outlay disbursements from the DOE.<sup>103</sup>

To be eligible for charter school capital outlay funding, a charter school must:<sup>104</sup>

- Be in operation for at least two years;
- Be governed by a governing board established in Florida for two or more years which operates both charter schools and conversion charter schools within the state;
- Be part of an expanded feeder chain<sup>105</sup> with an existing charter school in the district that is currently receiving charter school capital outlay funds;
- Be accredited by a regional accrediting association as defined by state board rule; or

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<sup>95</sup> Section 1012.56(10)(a), F.S.

<sup>96</sup> Section 1012.56(2)(d), F.S. The OPPS administers a state-level grievance process. The OPPS investigates alleged misconduct by educators in Florida who hold an educator's certificate and pursues disciplinary actions against the certificates of educators found to have committed acts of misconduct. See Florida Department of Education, *Professional Practices*, <http://www.fldoe.org/teaching/professional-practices/> (last visited March 22, 2021).

<sup>97</sup> Section 1002.33(12)(g)1., F.S.

<sup>98</sup> Section 1012.32(2)(b), F.S.

<sup>99</sup> Section 1012.315, F.S.

<sup>100</sup> Section 1012.56(10)(b), F.S.

<sup>101</sup> Section 1013.62(2)(a)-(e), F.S.

<sup>102</sup> Specific appropriation 21, s. 2, ch. 2020-21, L.O.F.

<sup>103</sup> Florida Department of Education, *Charter School Capital Outlay 2020-21*, <http://www.fldoe.org/finance/fco/charter-school-capital-outlay/index.shtml> (last visited March 22, 2021).

<sup>104</sup> Section 1013.62(1)(a)1.a., F.S.

<sup>105</sup> A charter school may be considered a part of an expanded feeder chain under s. 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to s. 1013.62, F.S. Rule 6A-2.0020 (1), F.A.C.

- Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace.

In addition, a charter school must:

- Have an annual audit that does not reveal a financial emergency for the most recent fiscal year for which such audit results are available;<sup>106</sup>
- Have satisfactory student achievement based upon the state accountability standards applicable to charter schools;<sup>107</sup>
- Have received final approval from its sponsor for operation during that fiscal year; and
- Serve students in facilities that are not provided by the charter school sponsor.<sup>108</sup>

Capital outlay funds may be used by a charter school's governing board for the:

- Purchase of real property;
- Construction of school facilities;
- Purchase, lease-purchase or lease of permanent or relocatable school facilities;
- Purchase of vehicles to transport students to and from the charter school;
- Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of five years or longer;
- Purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources;
- Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities;
- Purchase, lease-purchase or lease of driver's education vehicles, motor vehicles used for the maintenance or operation of plants and equipment, security vehicles, or vehicles used in storing or distributing materials and equipment; and
- Payment of the cost of the opening day collection for the library media center of a new school.<sup>109</sup>

### Financial Accountability

Like other charter schools, a school of hope must provide for an annual audit.<sup>110</sup> The Auditor General may choose to conduct the audit. If not, the school must arrange for an audit by an independent certified public accountant.<sup>111</sup> The audit must:

- Examine the school's financial statements to determine if its financial position and any changes in financial position comply with generally accepted accounting principles;

<sup>106</sup> The definition of financial emergency is provided in s. 218.503(1), F.S.

<sup>107</sup> Section 1013.62(1)(a)3., F.S.; rule 6A-2.0020, F.A.C. A charter school that receives a grade of "F," two consecutive grades lower than a "C" or a school improvement rating of "Unsatisfactory" is not eligible for capital outlay funding. *See also, Florida Assoc. of Independent Charter Schools vs. Florida Dept. of Education, Case No. 17-1986RP (2017), available at <https://www.doah.state.fl.us/ROS/2017/17001986.pdf>.*

<sup>108</sup> Section 1013.62(1)(a), F.S. A conversion charter school, i.e., a charter school created by the conversion of an existing public school to charter status, is not eligible for capital outlay funding if it operates in facilities provided by its sponsor at no charge or for a nominal fee or if it is directly or indirectly operated by the school district. Section 1013.62(1)(b), F.S.

<sup>109</sup> Section 1013.62(4), F.S.

<sup>110</sup> Sections 218.39(1)(e) and (f) and 1002.33(9)(j)1. and 2., F.S.

<sup>111</sup> Sections 11.45(3)(c) and 218.39(1)(e) and (f), F.S.

- Examine the school's operations to determine compliance with legal and regulatory requirements; and
- Examine any additional financial information necessary to comply with generally accepted accounting principles.<sup>112</sup>

Each school of hope must file a copy of its audit report with the sponsor, the district school board, if not the sponsor, the Auditor General and the DOE.<sup>113</sup>

Generally, each charter school must also submit a monthly financial statement summary sheet to the charter's sponsor.<sup>114</sup> The monthly summary sheet must include a balance sheet and a statement of revenue, expenditures, and changes in fund balance in a governmental funds format prescribed by the Governmental Accounting Standards Board.<sup>115</sup> The sponsor must review the financial statement summary to determine if the school exhibits a deteriorating financial condition.<sup>116</sup> The law allows a school of hope to submit its financial statement summary sheet on a quarterly basis, rather than monthly.<sup>117</sup>

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

#### **Financial Accountability**

The bill specifies that a school of hope operated by a nonprofit entity designated by an LEA is in compliance with financial reporting requirements if the nonprofit submits to each school district a financial statement summary for all its schools of hope in the district, and an annual financial audit of the nonprofit for all schools of hope it operates in the state that complies with s. 218.39, F.S.

Additionally, the bill modifies s. 1002.333, F.S., by providing that a hope operator, rather than each school of hope it operates, is the entity responsible for providing quarterly financial statements to the school district and meeting annual financial audit requirements.

#### **Persistently Low Performing Schools**

The bill modifies s. 1002.333, F.S., by revising the definition of a persistently low-performing school to be a school that has earned three grades lower than a "C" in at least three of the previous five years in which the school received a grade. This change would allow a school to be

<sup>112</sup> Rules of the Auditor General, *Chapter 10.850 Audits of Charter Schools and Charter Technical Career Centers, The Florida Virtual Schools, and Virtual Instruction Program Providers (effective June 30, 2020)*, available at [https://flauditor.gov/pages/pdf\\_files/10\\_850.pdf](https://flauditor.gov/pages/pdf_files/10_850.pdf).

<sup>113</sup> Section 218.39(10), F.S.

<sup>114</sup> Section 1002.33(9)(g)3., F.S. A high-performing charter school may submit quarterly rather than monthly financial statements. Section 1002.331(2)(c), F.S. Pursuant to Rule 6A-1.0081, F.A.C., DOE adopted two monthly financial statement forms for use by charter schools. Florida Department of Education, *Government Accountability and Standards Board (GASB) Monthly Financial Form (Form IEPC-F1) and Non-Profit Monthly Financial Form (Form IEPC-F2)*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference> (last visited March 15, 2021).

<sup>115</sup> Florida Department of Education, *Government Accountability and Standards Board (GASB) Monthly Financial Form (Form IEPC-F1) and Non-Profit Monthly Financial Form (Form IEPC-F2)*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-reference> (last visited March 15, 2021).

<sup>116</sup> Section 1002.33(9)(g)3., F.S.

<sup>117</sup> Section 1002.333(6)(h), F.S.

designated as persistently low performing even if it does not receive a school grade for one or more of the school years during a 5-year period.

#### Hope Operators

The bill modifies s. 1002.333, F.S., by authorizing a school of hope, which has been designated as a LEA, to report its students to the DOE according to procedures and timelines established by the DOE. A school of hope which has not been designated as a LEA must continue to report its students to the school district.

The bill specifies that a nonprofit entity that operates more than one school of hope may be designated as an LEA by the department.

#### Facilities

The bill modifies s. 1002.333, F.S., by requiring that the DOE must annually provide to school districts a list of underused, vacant, or surplus facilities operated by the school district as reported in the Florida Inventory of School Houses no later than January 1. The bill also specifies:

- A school district may provide evidence to the DOE that the list contains errors or omissions within 30 days after receipt of the list.
- By each April 1, the DOE must update and publish a final list based on updated information provided by each school district.

#### Personnel Background Screening

The bill modifies s. 1012.32, F.S., to authorize instructional and non-instructional personnel who are hired or contracted to fill positions in any school of hope to complete background screening requirements by filing with the school a set of fingerprints taken by:

- An authorized law enforcement agency;
- An employee of the charter school or school district who is trained to take fingerprints; or
- A private vendor who maintains an agreement with the Florida Department of Law Enforcement.

#### Charter School Capital Outlay Funding

The bill modifies s. 1002.333, F.S., to extend the authorization for undisbursed Schools of Hope Program funds to be carried forward from five years to seven years and modifies s. 1013.62, F.S., to authorize a charter school operated as a school of hope to be eligible to receive charter school capital outlay funding.

The bill provides for severability.

The bill takes effect July 1, 2021.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill requires that the funds for eligible university or FCS institution sponsored charter school students must be appropriated from state funds in the GAA to the charter school. Currently full-time equivalent students funded in the FEFP are funded with a combination of state and local funds. Since the eligible university or FCS institution sponsored charter school student will only be funded from state funds appropriated in the FEFP, there may need to be additional state funds provided to offset the potential loss of local funds; however, at this time the individual amounts cannot be determined and would vary based upon the school district and its total amount of local funds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.32, 1002.33, 1002.331, 1002.333, 1002.45, 1003.493, 1008.3415, 1012.32, and 1013.62.

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

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

**Recommended CS/CS by the Appropriations Subcommittee on Education on April 8, 2021:**

The CS/CS makes the following changes:

- Specifies that the limitation of one lab school per university does not apply to a university that establishes a lab school to serve a military installation within same county.
- Authorizes all lab schools with permanent high school center to receive sparsity supplement, not just those in operation prior to Sept. 1, 2013.
- Authorizes a prevailing party to file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.
- Authorizes the State Board of Education to withhold state funds from a district school board that is in violation of a state board decision on a charter school.
- Authorizes a charter school to immediately appeal any formal or informal decision by a sponsor in a dispute regarding a charter contract to an administrative law judge. The appeal may occur if either the charter school or the sponsor do not wish to mediate the decision and indicates such a decision in writing.
- Specifies that changes to a charter school's curriculum consistent with state standards and necessary to implement blended learning are deemed approved in terms of modifications to the charter, unless the sponsor determines in writing that the curriculum is inconsistent with state standards.
- In the case of an immediate termination of a charter school, the amendment requires the sponsor to provide the facts and circumstances supporting the termination in writing. The sponsor must demonstrate that an immediate and serious danger exists to the charter school's students, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary.
- Authorizes an administrative law judge to award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal.
- Authorizes a charter school sponsor to seek an injunction in circuit court to prohibit continued operation of a charter school if continued operation of the school would materially threaten the health, safety, or welfare of the students.
- Removes the requirement for a sponsor to assume and continue operation of a charter school pending a hearing on the school's immediate termination.
- Expands the enrollment preference for students who complete the VPK program provided by the charter school to include students who complete the program at a provider with which the charter school has a written agreement.

- Specifies that a nonprofit entity that operates more than one school of hope may be designated as an LEA by the department.
- Revises the determination of a high-performing charter school facility's capacity so that any expansion of enrollment, regardless of grade level expansion or where a majority of new students will be enrolled, is based on the school's facilities at the time the expansion will take effect.
- Specifies that a school of hope operated by a nonprofit entity designated by an LEA is in compliance with financial reporting requirements if the nonprofit submits to school district a financial statement summary for all its schools of hope in the district, and an annual financial audit of nonprofit for all schools of hope it operates in state that complies with s. 218.39.
- Allows for a virtual charter school to provide part-time instruction.
- Allows for a virtual charter school to be an approved provider.
- Allows for a virtual charter to contract with any public school or charter school to allow the participation of the virtual charter school's students in courses that the virtual school is unable to provide.
- Provides for severability.

#### **CS by Education on March 23, 2021**

The committee substitute retains the original bill provisions, and:

- Adds hope operators to the list of entities required to perform an annual financial audit.
- Modifies the charter school application process to specify that an application may be submitted at any time, rather than by February 1, for a school opening at a time of the applicant's choosing.
- Adds provisions specifying the charter school sponsor's administrative fee for up to two percent for enrollment of up to and including 250 students in an exceptional student education center.
- Modifies provisions that a high-performing charter school may submit two applications for a charter school within the state to be opened at a time determined by the high-performing charter school.
- Clarifies that a subsequent application may not be submitted unless the applicant commences operations or an application is withdrawn and that the provisions apply to an existing high-performing charter school.
- Specifies each school of hope that has not been designated as local education agency must report its students to the school district. Additionally, each school of hope that has been designated as a local education agency may report its students to the department.
- Clarifies that instructional and noninstructional personnel hired or contracted to fill positions at a school of hope must file with the school of hope, rather than the district school board as for other charter schools, a complete set of fingerprints taken by an authorized law enforcement agency or other recognized entity.
- Requires the DOE to annually provide to school districts, no later than January 1, a list of underused, vacant, or surplus facilities operated by the school district as reported in the Florida Inventory of School Houses, and:

- A school district may provide evidence to the DOE that the list contains errors or omissions within 30 days after receipt of the list.
- By each April 1, the DOE must update and publish a final list based on updated information provided by each school district.
- Authorizes a charter school that is an exceptional student education center that receives a rating of “maintaining” or higher may replicate its educational program.
- Requires the Commissioner of Education to verify that the charter school meets the specified requirements and provide a letter to the charter school and sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school.
- Extends the authorization for undispersed Schools of Hope Program funds to be carried forward from five years to seven years.
- Authorizes a charter school operated as a school of hope to be eligible to receive charter school capital outlay funding.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2021	.	
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Appropriations Subcommittee on Education (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) and paragraph (a) of subsection  
(9) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of  
public schools to be known as developmental research  
(laboratory) schools (lab schools). Each lab school shall



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11 provide sequential instruction and shall be affiliated with the  
12 college of education within the state university of closest  
13 geographic proximity. A lab school to which a charter has been  
14 issued under s. 1002.33(5)(a) 2. must be affiliated with the  
15 college of education within the state university that issued the  
16 charter, but is not subject to the requirement that the state  
17 university be of closest geographic proximity. For the purpose  
18 of state funding, Florida Agricultural and Mechanical  
19 University, Florida Atlantic University, Florida State  
20 University, the University of Florida, and other universities  
21 approved by the State Board of Education and the Legislature are  
22 authorized to sponsor a lab school. The limitation of one lab  
23 school per university shall not apply to the following charter  
24 lab schools authorized prior to June 1, 2003: Florida State  
25 University Charter Lab K-12 School in Broward County, Florida  
26 Atlantic University Charter Lab 9-12 High School in Palm Beach  
27 County, and Florida Atlantic University Charter Lab K-12 School  
28 in St. Lucie County. The limitation of one lab school per  
29 university does not apply to a university that establishes a lab  
30 school to serve families of a military installation that is  
31 within the same county as a branch campus that offers programs  
32 from the university's college of education.

33 (9) FUNDING.—Funding for a lab school, including a charter  
34 lab school, shall be provided as follows:

35 (a) Each lab school shall be allocated its proportional  
36 share of operating funds from the Florida Education Finance  
37 Program as provided in s. 1011.62 based on the county in which  
38 the lab school is located and the General Appropriations Act.  
39 The nonvoted ad valorem millage that would otherwise be required



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for lab schools shall be allocated from state funds. The required local effort funds calculated pursuant to s. 1011.62 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school ~~in operation as of September 1, 2013,~~ with a permanent high school center shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

Section 2. Paragraph (c) of subsection (2), subsection (5), paragraphs (b) and (d) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), paragraphs (c), (d), and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraphs (d) and (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), subsection (17), paragraph (e) of subsection (18), subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(2) GUIDING PRINCIPLES; PURPOSE.—

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school



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69 system ~~district~~ to stimulate continual improvement in all public  
70 schools.

71 3. Expand the capacity of the public school system.

72 4. Mitigate the educational impact created by the  
73 development of new residential dwelling units.

74 5. Create new professional opportunities for teachers,  
75 including ownership of the learning program at the school site.

76 (5) SPONSOR; DUTIES.—

77 (a) *Sponsoring entities*.—

78 1. A district school board may sponsor a charter school in  
79 the county over which the district school board has  
80 jurisdiction.

81 2. A state university may grant a charter to a lab school  
82 created under s. 1002.32 and shall be considered to be the  
83 school's sponsor. Such school shall be considered a charter lab  
84 school.

85 3. Because needs relating to educational capacity,  
86 workforce qualifications, and career education opportunities are  
87 constantly changing and extend beyond school district  
88 boundaries:

89 a. A state university may, upon approval by the Department  
90 of Education, solicit applications and sponsor a charter school  
91 to meet regional education or workforce demands by serving  
92 students from multiple school districts.

93 b. A Florida College System institution may, upon approval  
94 by the Department of Education, solicit applications and sponsor  
95 a charter school in any county within its service area to meet  
96 workforce demands and may offer postsecondary programs leading  
97 to industry certifications to eligible charter school students.



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A charter school established under subparagraph (b)4. may not be sponsored by a Florida College System institution until its existing charter with the school district expires as provided under subsection (7).

c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s.





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1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information:

~~(A) The number of draft applications received on or before May 1 and each applicant's contact information.~~

~~(B)~~ The number of ~~final~~ applications received during the school year and up to ~~on or before~~ August 1 and each applicant's contact information.

~~(B)(C)~~ The date each application was approved, denied, or withdrawn.



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(C)~~(D)~~ The date each final contract was executed.

(II) Annually, by November 1 ~~Beginning August 31, 2013, and~~  
~~each year thereafter~~, the sponsor shall submit to the department  
the information for the applications submitted the previous  
year.

(III) The department shall compile an annual report, by  
sponsor district, and post the report on its website by January  
15 November 1 of each year.

2. Immunity for the sponsor of a charter school under  
subparagraph 1. applies only with respect to acts or omissions  
not under the sponsor's direct authority as described in this  
section.

3. This paragraph does not waive a sponsor's district  
~~school board's~~ sovereign immunity.

4. A Florida College System institution may work with the  
school district or school districts in its designated service  
area to develop charter schools that offer secondary education.  
These charter schools must include an option for students to  
receive an associate degree upon high school graduation. If a  
Florida College System institution operates an approved teacher  
preparation program under s. 1004.04 or s. 1004.85, the  
institution may operate ~~no more than one~~ charter schools ~~school~~  
that serve ~~serves~~ students in kindergarten through grade 12 in  
any school district within the service area of the institution.  
~~In kindergarten through grade 8, the charter school shall~~  
~~implement innovative blended learning instructional models in~~  
~~which, for a given course, a student learns in part through~~  
~~online delivery of content and instruction with some element of~~  
~~student control over time, place, path, or pace and in part at a~~



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~~supervised brick and mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school.~~ District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. A school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).



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6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorizing and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorizing.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-paragraph (b)1.k.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for



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a charter school using the evaluation instrument developed by the Department of Education. ~~A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.~~ Beginning in 2018 and thereafter, A sponsor shall receive and consider charter school applications ~~received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or~~ to be opened at a time determined by the applicant. ~~A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses.~~ A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection



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process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter



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school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals



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involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

~~5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted.~~ A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(d)1. The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action





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subject to judicial review in the district court of appeal. A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.

2. If the State Board of Education determines that a district school board is in violation of a state board decision on a charter school application and of a court order for the school board to enter into a charter with a charter school governing board, the state board must withhold state funds provided under s. 1011.62 by the total number of K-12 students, as applicable, projected to be enrolled in the charter school in the first year of operation as reported in the charter school application. The state board shall withhold the amount in each disbursement of such funds until the district school board enters into a charter with the charter school governing board. If the district school board enters into such charter during the same fiscal year, all withheld funds must be disbursed to the district school board.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The



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388 sponsor may not impose unreasonable rules or regulations that  
389 violate the intent of giving charter schools greater flexibility  
390 to meet educational goals. The charter shall be signed by the  
391 governing board of the charter school and the sponsor, following  
392 a public hearing to ensure community input.

393 (a) The charter shall address and criteria for approval of  
394 the charter shall be based on:

395 1. The school's mission, the students to be served, and the  
396 ages and grades to be included.

397 2. The focus of the curriculum, the instructional methods  
398 to be used, any distinctive instructional techniques to be  
399 employed, and identification and acquisition of appropriate  
400 technologies needed to improve educational and administrative  
401 performance which include a means for promoting safe, ethical,  
402 and appropriate uses of technology which comply with legal and  
403 professional standards.

404 a. The charter shall ensure that reading is a primary focus  
405 of the curriculum and that resources are provided to identify  
406 and provide specialized instruction for students who are reading  
407 below grade level. The curriculum and instructional strategies  
408 for reading must be consistent with the Next Generation Sunshine  
409 State Standards and grounded in scientifically based reading  
410 research.

411 b. In order to provide students with access to diverse  
412 instructional delivery models, to facilitate the integration of  
413 technology within traditional classroom instruction, and to  
414 provide students with the skills they need to compete in the  
415 21st century economy, the Legislature encourages instructional  
416 methods for blended learning courses consisting of both



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traditional classroom and online instructional techniques.  
Charter schools may implement blended learning courses which  
combine traditional classroom instruction and virtual  
instruction. Students in a blended learning course must be full-  
time students of the charter school pursuant to s.  
1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
1012.55 who provide virtual instruction for blended learning  
courses may be employees of the charter school or may be under  
contract to provide instructional services to charter school  
students. At a minimum, such instructional personnel must hold  
an active state or school district adjunct certification under  
s. 1012.57 for the subject area of the blended learning course.  
The funding and performance accountability requirements for  
blended learning courses are the same as those for traditional  
courses.

3. The current incoming baseline standard of student  
academic achievement, the outcomes to be achieved, and the  
method of measurement that will be used. The criteria listed in  
this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and  
prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of  
academic progress achieved by these same students while  
attending the charter school.

c. To the extent possible, how these rates of progress will  
be evaluated and compared with rates of progress of other  
closely comparable student populations.

A The district school board is required to provide academic



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student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in the same school district~~.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or



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retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are



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eligible for up to a 15-year charter, subject to approval by the  
sponsor ~~district school board~~. A charter lab school is eligible  
for a charter for a term of up to 15 years. In addition, to  
facilitate access to long-term financial resources for charter  
school construction, charter schools that are operated by a  
private, not-for-profit, s. 501(c)(3) status corporation are  
eligible for up to a 15-year charter, subject to approval by the  
sponsor ~~district school board~~. Such long-term charters remain  
subject to annual review and may be terminated during the term  
of the charter, but only according to the provisions set forth  
in subsection (8).

13. The facilities to be used and their location. The  
sponsor may not require a charter school to have a certificate  
of occupancy or a temporary certificate of occupancy for such a  
facility earlier than 15 calendar days before the first day of  
school.

14. The qualifications to be required of the teachers and  
the potential strategies used to recruit, hire, train, and  
retain qualified staff to achieve best value.

15. The governance structure of the school, including the  
status of the charter school as a public or private employer as  
required in paragraph (12)(i).

16. A timetable for implementing the charter which  
addresses the implementation of each element thereof and the  
date by which the charter shall be awarded in order to meet this  
timetable.

17. In the case of an existing public school that is being  
converted to charter status, alternative arrangements for  
current students who choose not to attend the charter school and



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for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(b) The sponsor has 30 days after approval of the



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application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may also be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney





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fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Changes to curriculum that are consistent with state standards and are necessary to implement blended learning shall be deemed approved unless the sponsor determines in writing that the curriculum is inconsistent with state standards. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor ~~school district~~ as a consolidation.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating ~~indicating~~ that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The sponsor's determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter school's governing board, the charter school principal, and the department of the



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facts and circumstances supporting the immediate termination ~~if a charter is terminated immediately.~~ The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable when appropriate. Upon receiving written notice from the sponsor, the charter school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal. The sponsor may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if ~~shall assume operation of the charter school throughout the pendency of the hearing under paragraph (b) unless the continued operation of the charter school~~ would materially threaten the health, safety, or welfare of the students. ~~Failure by the sponsor to assume and continue operation of the charter school shall result in the awarding of reasonable costs and attorney's fees to the charter school if the charter school prevails on appeal.~~

(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are



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unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor ~~district school board~~, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's ~~district school board's~~ request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor ~~district~~ may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor ~~district~~ and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor ~~district~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial



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and Program Cost Accounting and Reporting for Florida Schools";  
or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor ~~district~~ reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial



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information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."



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c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:



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a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby ~~district~~ public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).



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4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c)





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or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the charter school's governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board during the previous year.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in~~



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~~the same school district.~~

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter provides the school facilities facility and related property in an amount equal to or having a total an appraised value of at least \$5 million to be used as a charter schools school to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are shall be entitled to no more than 50 percent of the student stations in the charter schools school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must shall be filled in accordance with subparagraph 4.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION



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OF THE STATE AND SPONSOR SCHOOL-DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor school district shall indemnify the state and the sponsor school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor school district but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the sponsor school district shall not be pledged and no debts shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a sponsor district school board pursuant to this section.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.—

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor district school board, such schools



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shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in a ~~the~~ school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its student enrollment to the sponsor as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school's enrollment in the sponsor's ~~district's~~ report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all sponsors ~~districts~~ shall accept electronic data that complies with the Department of Education's electronic format.

(b)1. The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district;



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and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross



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state and local funds, discretionary lottery funds, and funds from each school district's current operating discretionary millage levy, divided by total funded weighted full-time equivalent students in the district, and multiplied by the full-time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

b. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5) (a) is determined pursuant to s. 1013.62 and the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to,



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Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) Sponsors ~~District school boards~~ shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor's ~~district school board's~~ fiscal year. Each payment shall be one-twelfth, or one



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twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor ~~district school board~~ shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the sponsor ~~district school board~~ receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the sponsor ~~district school board~~, the sponsor ~~school district~~ shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph





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(b) based on the timing of receipt of local funds by the district school board.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(7).

(g) To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

(h) A charter school that implements a schoolwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

(18) FACILITIES.—

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor ~~school-district~~ may not sell or dispose of such property without written permission of the sponsor ~~school-district~~. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.



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(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor ~~school district~~ at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by



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schools in the sponsor's portfolio of charter schools if the sponsor is not a school district.

2. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in this ~~the~~ state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including



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250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

(b) If goods and services are made available to the charter school through the contract with the sponsor ~~school district~~, they shall be provided to the charter school at a rate no greater than the sponsor's ~~district's~~ actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, sponsors ~~school districts~~ shall allow charter schools to participate in the sponsor's bulk



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purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the sponsor ~~district school board~~, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the sponsor ~~district~~ in accordance with this section. The department shall compile the results, by sponsor ~~district~~, and include the results in the report required under sub-sub-subparagraph (5) (b)1.k.(III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter contract, standard evaluation instrument, and standard charter renewal contract, which shall include the information specified in subsection (7) and shall be developed by consulting and negotiating with both sponsors ~~school districts~~ and charter schools before implementation. The charter and charter renewal contracts shall be used by charter



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school sponsors.

(b)1. The Department of Education shall report to each charter school receiving a school grade pursuant to s. 1008.34 or a school improvement rating pursuant to s. 1008.341 the school's student assessment data.

2. The charter school shall report the information in subparagraph 1. to each parent of a student at the charter school, the parent of a child on a waiting list for the charter school, the sponsor ~~district in which the charter school is located~~, and the governing board of the charter school. This paragraph does not abrogate the provisions of s. 1002.22, relating to student records, or the requirements of 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER SCHOOL SYSTEMS.—

(a) A charter school system's governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school system were a school district, if the governing board of the charter school system has adopted and filed a resolution with its sponsor ~~sponsoring district school board~~ and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of at least one school district in this ~~the~~ state; and
3. Has the same governing board.



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Such designation does not apply to other provisions unless specifically provided in law.

(28) RULEMAKING.—The Department of Education, after consultation with sponsors ~~school districts~~ and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, and standard charter and charter renewal contracts in accordance with this section.

Section 3. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of ~~grade-level~~ expansion shall include any improvements to an existing facility or any new facility in which ~~a majority of~~ the students of the high-performing charter school will enroll.



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A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may submit not ~~establish more than~~ two applications for a charter school to be opened ~~schools~~ within this ~~the~~ state under paragraph (a) at a time determined by the high-performing charter school in any ~~year~~. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school applicant commences operations or an application is ~~otherwise withdrawn established in this manner achieves high-performing charter school status~~. However, a high-performing charter school may establish more than one charter school within this ~~the~~ state under paragraph (a) in any year if it operates in





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the area of a persistently low-performing school and serves students from that school. This paragraph applies to any high-performing charter school with an existing approved application.

Section 4. Paragraph (c) of subsection (1), paragraphs (a), (g), and (h) of subsection (6), paragraph (d) of subsection (7), and paragraph (b) of subsection (10) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(c) "Persistently low-performing school" means a school that has earned three grades lower than a "C," pursuant to s. 1008.34, in at least 3 of the previous 5 years that the school received a grade and has not earned a grade of "B" or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(6) STATUTORY AUTHORITY.—

(a) A school of hope or a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district may be designated as a local education agency by the department, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency requirements and the schools for which it will perform local education agency responsibilities.

1. A nonprofit entity designated as a local education agency may report its students to the department in accordance with the definitions in s. 1011.61 and pursuant to the department's procedures and timelines.



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2. Students enrolled in a school established by a hope operator designated as a local educational agency are not eligible students for purposes of calculating the district grade pursuant to s. 1008.34(5).

(g) Each school of hope that has not been designated as a local education agency shall report its students to the school district as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The school district shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the department shall comply with the department's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department's electronic format.

(h) 1. A school of hope shall provide the school district with a concise, uniform, quarterly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental fund format prescribed by the Governmental Accounting Standards Board. Additionally, a school of hope shall comply with the annual audit requirement for charter schools in s. 218.39.

2. A school of hope is in compliance with subparagraph 1. if it is operated by a nonprofit entity designated as a local education agency and if the nonprofit submits to each school district in which it operates a school of hope:

a. A concise, uniform, quarterly financial statement summary sheet that contains a balance sheet summarizing the



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revenue, expenditures, and changes in fund balance for the entity and for its schools of hope within the school district.

b. An annual financial audit of the nonprofit that includes all schools of hope it operates within this state and that complies with s. 218.39 regarding audits of a school board.

(7) FACILITIES.—

(d) No later than January ~~October~~ 1, the department ~~each school district~~ shall annually provide to school districts ~~the Department of Education~~ a list of all underused, vacant, or surplus facilities owned or operated by the school district as reported in the Florida Inventory of School Houses. A school district may provide evidence to the department that the list contains errors or omissions within 30 days after receipt of the list. By each April 1, the department shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based upon updated information provided by each school district. A hope operator establishing a school of hope may use an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed \$600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, the term “underused, vacant, or surplus facility” means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.



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(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 7 ~~5~~ years after the effective date of the original appropriation.

Section 5. Paragraph (d) of subsection (1) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(d) A virtual charter school may provide full-time or part-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter approved pursuant to s. 1002.33 ~~authorizing full-time virtual instruction~~. A virtual charter school may:

1. Contract with the Florida Virtual School.

2. Contract with or be an approved provider under subsection (2).

3. Contract with any public school or charter school ~~Enter into an agreement with a school district~~ to allow the participation of the virtual charter school's students in courses that the virtual school is unable to provide ~~the school district's virtual instruction program~~. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(e).

Section 6. Paragraph (a) of subsection (1) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(1)(a) A "career and professional academy" is a research-



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based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies shall be offered by public schools and school districts. Career and professional academies may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 7. Present subsection (3) of section 1008.3415, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(3) The Commissioner of Education, upon request by a charter school that is an exceptional student education center and that has received two consecutive ratings of "maintaining" or higher pursuant to s. 1008.341(2), shall provide a letter to the charter school and to the charter school's sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school under s. 1002.331(3).

Section 8. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:



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1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b)1. Instructional and noninstructional personnel who are hired or contracted to fill positions in a ~~any~~ charter school other than a school of hope as defined in s. 1002.333, and members of the governing board of ~~such~~ ~~any~~ charter school, in compliance with s. 1002.33(12)(g), ~~must~~, upon employment, engagement of services, or appointment, shall undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

2. Instructional and noninstructional personnel who are hired or contracted to fill positions in a school of hope as defined in s. 1002.333, and members of the governing board of such school of hope, shall file with the school of hope a complete set of fingerprints taken by an authorized law enforcement agency, by an employee of the school of hope or school district who is trained to take fingerprints, or by any other entity recognized by the Department of Law Enforcement to take fingerprints.

(c) Instructional and noninstructional personnel who are



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hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Required fingerprints must ~~shall~~ be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board,



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the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Section 9. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 General Appropriations Act. Beginning in fiscal year 2021-2022, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage





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authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; ~~or~~

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b); or

f. Be operated by a hope operator pursuant to s. 1002.333.

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 10. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act



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which can be given effect without the invalid provision or  
application, and to this end the provisions of this act are  
severable.

Section 11. This act shall take effect July 1, 2021.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to charter schools; amending s.  
1002.32, F.S.; providing that the limitation on lab  
schools does not apply to a school serving a military  
installation; removing a limitation on lab schools  
receiving a share of the sparsity supplement; amending  
s. 1002.33, F.S.; authorizing state universities and  
Florida College System institutions to solicit  
applications and sponsor charter schools under certain  
circumstances; prohibiting certain charter schools  
from being sponsored by a Florida College System  
institution until such charter school's existing  
charter expires; authorizing a state university or  
Florida College System institution to, at its  
discretion, deny an application for a charter school;  
revising the contents of an annual report that charter  
school sponsors must provide to the Department of  
Education; revising the date by which the department  
must post a specified annual report; revising  
provisions relating to Florida College System



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1577 institutions that are operating charter schools;  
1578 requiring the board of trustees of a state university  
1579 or Florida College System institution that is  
1580 sponsoring a charter school to serve as the local  
1581 educational agency for such school; prohibiting  
1582 certain charter school students from being included in  
1583 specified school district grade calculations;  
1584 requiring the department to develop a sponsor  
1585 evaluation framework; providing requirements for the  
1586 framework; requiring the department to compile results  
1587 in a specified manner; deleting obsolete language;  
1588 revising requirements for the charter school  
1589 application process; authorizing certain parties to  
1590 file an action with the Division of Administrative  
1591 Hearings to recover specified fees and costs;  
1592 requiring the State Board of Education to withhold  
1593 state funds from a district school board that is in  
1594 violation of a state board decision on a charter  
1595 school; authorizing parties to appeal without first  
1596 mediating in certain circumstances; providing that  
1597 certain changes to curriculum are deemed approved;  
1598 providing an exception; revising the circumstances in  
1599 which a charter may be immediately terminated;  
1600 providing that certain information must be provided to  
1601 specified entities upon immediate termination of a  
1602 charter; authorizing the of award specified fees and  
1603 costs in certain circumstances; authorizing a sponsor  
1604 to seek an injunction in certain circumstances;  
1605 revising provisions related to sponsor assumption of



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1606 operation; revising the student populations for which  
1607 a charter school is authorized to limit the enrollment  
1608 process; providing a calculation for the operational  
1609 funding for a charter school sponsored by a state  
1610 university or Florida College System institution;  
1611 requiring the department to develop a tool for state  
1612 universities and Florida College System institutions  
1613 for specified purposes relating to certain funding  
1614 calculations; providing that such funding must be  
1615 appropriated to the charter school; providing for  
1616 capital outlay funding for such schools; authorizing a  
1617 sponsor to withhold an administrative fee for the  
1618 provision of certain services to an exceptional  
1619 student education center that meets specified  
1620 requirements; conforming provisions to changes made by  
1621 the act; amending s. 1002.331, F.S.; revising a  
1622 limitation on the expansion of high-performing charter  
1623 schools; revising provisions relating to the opening  
1624 of additional high-performing charter schools;  
1625 amending s. 1002.333, F.S.; revising the definition of  
1626 the term "persistently low-performing school";  
1627 providing that certain nonprofit entities may be  
1628 designated as a local education agency; providing that  
1629 certain entities report students to the department in  
1630 a specified manner; specifying reporting provisions  
1631 that apply only to certain schools of hope; providing  
1632 that schools of hope may comply with certain financial  
1633 reporting in a specified manner; revising the manner  
1634 in which underused, vacant, or surplus facilities



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1635 owned or operated by school districts are identified;  
1636 increasing the number of years for which certain funds  
1637 may be carried forward; amending s. 1002.45, F.S.;  
1638 authorizing a virtual charter school to provide part-  
1639 time virtual instruction and be an approved provider;  
1640 authorizing a virtual charter school to contract,  
1641 rather than enter into an agreement, with a public or  
1642 charter school for specified purposes; amending s.  
1643 1003.493, F.S.; authorizing a charter school to offer  
1644 a career and professional academy; amending s.  
1645 1008.3415, F.S.; requiring the Commissioner of  
1646 Education, upon request by a charter school that meets  
1647 specified criteria, to provide a letter to the charter  
1648 school and the charter school's sponsor authorizing  
1649 the charter school to replicate the charter school's  
1650 education program; amending s. 1012.32, F.S.;  
1651 providing an alternate screening method for specified  
1652 persons employed by certain schools of hope or serving  
1653 on certain school of hope governing boards; amending  
1654 s. 1013.62, F.S.; expanding eligibility to receive  
1655 capital outlay funds to schools of hope operated by a  
1656 hope operator; providing for severability; providing  
1657 an effective date.

By the Committee on Education; and Senator Hutson

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1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 218.39, F.S.; providing that a hope operator that has  
 4 not been notified that a financial audit for a fiscal  
 5 year will be performed by the Auditor General must  
 6 retain an independent certified public accountant to  
 7 complete, within 9 months after the end of its fiscal  
 8 year, an annual financial audit of its accounts, which  
 9 must be paid from its public funds; requiring an  
 10 auditor to discuss comments that will be included in  
 11 the audit report with the hope operator's board chair  
 12 or the chair's designee; requiring the auditor to  
 13 notify each hope operator board member of specified  
 14 information; requiring hope operators to file an  
 15 officer's written statement of explanation or rebuttal  
 16 concerning an auditor's findings within a certain  
 17 timeframe; authorizing the Legislative Auditing  
 18 Committee to require the chair of the hope operator or  
 19 the chair's designee to appear before the committee if  
 20 it is determined that the written statement is  
 21 insufficient; requiring each hope operator to file a  
 22 copy of its audit report with specified entities;  
 23 amending s. 1002.33, F.S.; authorizing state  
 24 universities and Florida College System institutions  
 25 to solicit applications and sponsor charter schools  
 26 under certain circumstances; prohibiting certain  
 27 charter schools from being sponsored by a Florida  
 28 College System institution until such charter school's  
 29 existing charter expires; authorizing a state

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30 university or Florida College System institution to,  
 31 at its discretion, deny an application for a charter  
 32 school; revising the contents of an annual report that  
 33 charter school sponsors must provide to the Department  
 34 of Education; revising the date by which the  
 35 department must post a specified annual report;  
 36 revising provisions relating to Florida College System  
 37 institutions that are operating charter schools;  
 38 requiring the board of trustees of a state university  
 39 or Florida College System institution that is  
 40 sponsoring a charter school to serve as the local  
 41 educational agency for such school; prohibiting  
 42 certain charter school students from being included in  
 43 specified school district grade calculations;  
 44 requiring the department to develop a sponsor  
 45 evaluation framework; providing requirements for the  
 46 framework; requiring the department to compile  
 47 results in a specified manner; deleting obsolete  
 48 language; revising requirements for the charter school  
 49 application process; revising the student populations  
 50 for which a charter school is authorized to limit the  
 51 enrollment process; providing a calculation for the  
 52 operational funding for a charter school sponsored by  
 53 a state university or Florida College System  
 54 institution; requiring the department to develop a  
 55 tool for state universities and Florida College System  
 56 institutions for specified purposes relating to  
 57 certain funding calculations; providing that such  
 58 funding must be appropriated to the charter school;

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59 providing for capital outlay funding for such schools;  
 60 authorizing a sponsor to withhold an administrative  
 61 fee for the provision of certain services to an  
 62 exceptional student education center that meets  
 63 specified requirements; conforming provisions to  
 64 changes made by the act; amending s. 1002.331, F.S.;  
 65 revising provisions relating to the opening of  
 66 additional high-performing charter schools; amending  
 67 s. 1002.333, F.S.; revising the definition of the term  
 68 "persistently low-performing school"; authorizing,  
 69 instead of requiring, a school of hope designated as a  
 70 local education agency to report students in  
 71 accordance with procedures and timelines adopted by  
 72 the Department of Education; requiring hope operators,  
 73 rather than schools of hope, to provide school  
 74 districts with quarterly financial statement summary  
 75 sheets; revising the manner in which underused,  
 76 vacant, or surplus facilities owned or operated by  
 77 school districts are identified; increasing the number  
 78 of years for which certain funds may be carried  
 79 forward; amending s. 1003.493, F.S.; authorizing a  
 80 charter school to offer a career and professional  
 81 academy; amending s. 1008.3415, F.S.; requiring the  
 82 Commissioner of Education, upon request by a charter  
 83 school that meets specified criteria, to provide a  
 84 letter to the charter school and the charter school's  
 85 sponsor authorizing the charter school to replicate  
 86 the charter school's education program; amending s.  
 87 1012.32, F.S.; providing an alternate screening method

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88 for specified persons employed by certain schools of  
 89 hope or serving on certain school of hope governing  
 90 boards; amending s. 1013.62, F.S.; expanding  
 91 eligibility to receive capital outlay funds to schools  
 92 of hope operated by a hope operator; providing an  
 93 effective date.  
 94

95 Be It Enacted by the Legislature of the State of Florida:  
 96

97 Section 1. Subsections (1), (5), and (6), paragraph (b) of  
 98 subsection (8), and subsection (10) of section 218.39, Florida  
 99 Statutes, are amended to read:

100 218.39 Annual financial audit reports.—

101 (1) If, by the first day in any fiscal year, a local  
 102 governmental entity, district school board, charter school, hope  
 103 operator, or charter technical career center has not been  
 104 notified that a financial audit for that fiscal year will be  
 105 performed by the Auditor General, each of the following entities  
 106 shall have an annual financial audit of its accounts and records  
 107 completed within 9 months after the end of its fiscal year by an  
 108 independent certified public accountant retained by it and paid  
 109 from its public funds:

110 (a) Each county.

111 (b) Any municipality with revenues or the total of  
 112 expenditures and expenses in excess of \$250,000, as reported on  
 113 the fund financial statements.

114 (c) Any special district with revenues or the total of  
 115 expenditures and expenses in excess of \$100,000, as reported on  
 116 the fund financial statements.

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117 (d) Each district school board.

118 (e) Each charter school established under s. 1002.33.

119 (f) Each charter technical center established under s.

120 1002.34.

121 (g) Each municipality with revenues or the total of

122 expenditures and expenses between \$100,000 and \$250,000, as

123 reported on the fund financial statements, which has not been

124 subject to a financial audit pursuant to this subsection for the

125 2 preceding fiscal years.

126 (h) Each special district with revenues or the total of

127 expenditures and expenses between \$50,000 and \$100,000, as

128 reported on the fund financial statement, which has not been

129 subject to a financial audit pursuant to this subsection for the

130 2 preceding fiscal years.

131 (i) Each hope operator operating at least one school of

132 hope in this state.

133 (5) At the conclusion of the audit, the auditor shall

134 discuss with the chair of the governing body of the local

135 governmental entity or the chair's designee, the elected

136 official of each county agency or the elected official's

137 designee, the chair of the district school board or the chair's

138 designee, the chair of the board of the charter school or the

139 chair's designee, the chair of the board of the hope operator or

140 the chair's designee, or the chair of the board of the charter

141 technical career center or the chair's designee, as appropriate,

142 all of the auditor's comments that will be included in the audit

143 report. If the officer is not available to discuss the auditor's

144 comments, their discussion is presumed when the comments are

145 delivered in writing to his or her office. The auditor shall

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146 notify each member of the governing body of a local governmental

147 entity, district school board, charter school, hope operator, or

148 charter technical career center for which:

149 (a) Deteriorating financial conditions exist that may cause

150 a condition described in s. 218.503(1) to occur if actions are

151 not taken to address such conditions.

152 (b) A fund balance deficit in total or a deficit for that

153 portion of a fund balance not classified as restricted,

154 committed, or nonspendable, or a total or unrestricted net

155 assets deficit, as reported on the fund financial statements of

156 entities required to report under governmental financial

157 reporting standards or on the basic financial statements of

158 entities required to report under not-for-profit financial

159 reporting standards, for which sufficient resources of the local

160 governmental entity, charter school, hope operator, charter

161 technical career center, or district school board, as reported

162 on the fund financial statements, are not available to cover the

163 deficit. Resources available to cover reported deficits include

164 fund balance or net assets that are not otherwise restricted by

165 federal, state, or local laws, bond covenants, contractual

166 agreements, or other legal constraints. Property, plant, and

167 equipment, the disposal of which would impair the ability of a

168 local governmental entity, charter school, hope operator,

169 charter technical career center, or district school board to

170 carry out its functions, are not considered resources available

171 to cover reported deficits.

172 (6) The officer's written statement of explanation or

173 rebuttal concerning the auditor's findings, including corrective

174 action to be taken, must be filed with the governing body of the

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local governmental entity, district school board, charter school, hope operator, or charter technical career center within 30 days after the delivery of the auditor's findings.

(8) The Auditor General shall notify the Legislative Auditing Committee of any audit report prepared pursuant to this section which indicates that an audited entity has failed to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports.

(b) If the committee determines that the written statement is not sufficient, it may require the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, the chair of the hope operator or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, to appear before the committee.

(10) Each charter school, hope operator who operates a charter school, and charter technical career center must file a copy of its audit report with the sponsoring entity; the local district school board, if not the sponsoring entity; the Auditor General; and with the Department of Education.

Section 2. Paragraph (c) of subsection (2), subsection (5), paragraph (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (d) and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraph (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), subsection (17), paragraph (e) of subsection (18),

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subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(2) GUIDING PRINCIPLES; PURPOSE.—

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school system ~~district~~ to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities*.—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department

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of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

b. A Florida College System institution may, upon approval by the Department of Education, solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students. A charter school established under subparagraph (b)4. may not be sponsored by a Florida College System institution until its existing charter with the school district expires as provided under subsection (7).

c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor shall not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-

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upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor shall not be liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor shall not be liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.

j. The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

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291 (I) The report shall include the following information:

292 (A) ~~The number of draft applications received on or before~~  
 293 ~~May 1 and each applicant's contact information.~~

294 ~~(B) The number of final applications received on or before~~  
 295 ~~February August 1 and each applicant's contact information.~~

296 ~~(B)(C) The date each application was approved, denied, or~~  
 297 ~~withdrawn.~~

298 ~~(C)(D) The date each final contract was executed.~~

299 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~  
 300 ~~each year thereafter,~~ the sponsor shall submit to the department  
 301 the information for the applications submitted the previous  
 302 year.

303 (III) The department shall compile an annual report, by  
 304 sponsor district, and post the report on its website by January  
 305 15 November 1 of each year.

306 2. Immunity for the sponsor of a charter school under  
 307 subparagraph 1. applies only with respect to acts or omissions  
 308 not under the sponsor's direct authority as described in this  
 309 section.

310 3. This paragraph does not waive a sponsor's district  
 311 ~~school board's~~ sovereign immunity.

312 4. A Florida College System institution may work with the  
 313 school district or school districts in its designated service  
 314 area to develop charter schools that offer secondary education.  
 315 These charter schools must include an option for students to  
 316 receive an associate degree upon high school graduation. If a  
 317 Florida College System institution operates an approved teacher  
 318 preparation program under s. 1004.04 or s. 1004.85, the  
 319 institution may operate ~~no more than one~~ charter schools ~~school~~

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320 that serve ~~serves~~ students in kindergarten through grade 12 in  
 321 any school district within the service area of the institution.  
 322 ~~In kindergarten through grade 8, the charter school shall~~  
 323 ~~implement innovative blended learning instructional models in~~  
 324 ~~which, for a given course, a student learns in part through~~  
 325 ~~online delivery of content and instruction with some element of~~  
 326 ~~student control over time, place, path, or pace and in part at a~~  
 327 ~~supervised brick-and-mortar location away from home. A student~~  
 328 ~~in a blended learning course must be a full-time student of the~~  
 329 ~~charter school and receive the online instruction in a classroom~~  
 330 ~~setting at the charter school.~~ District school boards shall  
 331 cooperate with and assist the Florida College System institution  
 332 on the charter application. Florida College System institution  
 333 applications for charter schools are not subject to the time  
 334 deadlines outlined in subsection (6) and may be approved by the  
 335 district school board at any time during the year. Florida  
 336 College System institutions may not report FTE for any students  
 337 participating under this subparagraph who receive FTE funding  
 338 through the Florida Education Finance Program.

339 5. A school district may enter into nonexclusive interlocal  
 340 agreements with federal and state agencies, counties,  
 341 municipalities, and other governmental entities that operate  
 342 within the geographical borders of the school district to act on  
 343 behalf of such governmental entities in the inspection,  
 344 issuance, and other necessary activities for all necessary  
 345 permits, licenses, and other permissions that a charter school  
 346 needs in order for development, construction, or operation. A  
 347 charter school may use, but may not be required to use, a school  
 348 district for these services. The interlocal agreement must

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include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorizing and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorizing.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor,

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including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-subparagraph (b)1.k.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. ~~A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.~~ Beginning in 2018 and thereafter, A sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall

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allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of

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Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a

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violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. ~~Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted.~~ A charter school may defer the opening of the school's operations for up

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to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and

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professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

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3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

A ~~The~~ district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in

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s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools ~~in the same school district~~.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and

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staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor ~~district school board~~. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor ~~district school board~~. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of



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639 school.

640 14. The qualifications to be required of the teachers and  
641 the potential strategies used to recruit, hire, train, and  
642 retain qualified staff to achieve best value.

643 15. The governance structure of the school, including the  
644 status of the charter school as a public or private employer as  
645 required in paragraph (12)(i).

646 16. A timetable for implementing the charter which  
647 addresses the implementation of each element thereof and the  
648 date by which the charter shall be awarded in order to meet this  
649 timetable.

650 17. In the case of an existing public school that is being  
651 converted to charter status, alternative arrangements for  
652 current students who choose not to attend the charter school and  
653 for current teachers who choose not to teach in the charter  
654 school after conversion in accordance with the existing  
655 collective bargaining agreement or district school board rule in  
656 the absence of a collective bargaining agreement. However,  
657 alternative arrangements shall not be required for current  
658 teachers who choose not to teach in a charter lab school, except  
659 as authorized by the employment policies of the state university  
660 which grants the charter to the lab school.

661 18. Full disclosure of the identity of all relatives  
662 employed by the charter school who are related to the charter  
663 school owner, president, chairperson of the governing board of  
664 directors, superintendent, governing board member, principal,  
665 assistant principal, or any other person employed by the charter  
666 school who has equivalent decisionmaking authority. For the  
667 purpose of this subparagraph, the term "relative" means father,

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668 mother, son, daughter, brother, sister, uncle, aunt, first  
669 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
670 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
671 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
672 stepsister, half brother, or half sister.

673 19. Implementation of the activities authorized under s.  
674 1002.331 by the charter school when it satisfies the eligibility  
675 requirements for a high-performing charter school. A high-  
676 performing charter school shall notify its sponsor in writing by  
677 March 1 if it intends to increase enrollment or expand grade  
678 levels the following school year. The written notice shall  
679 specify the amount of the enrollment increase and the grade  
680 levels that will be added, as applicable.

681 (d) A charter may be modified during its initial term or  
682 any renewal term upon the recommendation of the sponsor or the  
683 charter school's governing board and the approval of both  
684 parties to the agreement. Modification during any term may  
685 include, but is not limited to, consolidation of multiple  
686 charters into a single charter if the charters are operated  
687 under the same governing board, regardless of the renewal cycle.  
688 A charter school that is not subject to a school improvement  
689 plan and that closes as part of a consolidation shall be  
690 reported by the sponsor ~~school district~~ as a consolidation.

691 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

692 (d) When a charter is not renewed or is terminated, the  
693 school shall be dissolved under the provisions of law under  
694 which the school was organized, and any unencumbered public  
695 funds, except for capital outlay funds and federal charter  
696 school program grant funds, from the charter school shall revert

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to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor ~~district school board~~, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's ~~district school board's~~ request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor ~~district~~ may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor ~~district~~ and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor ~~district~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

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a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor ~~district~~ reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify

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the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action

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in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically

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terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby ~~district~~ public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the

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procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any

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871 federal provisions that require a school to achieve a  
 872 racial/ethnic balance reflective of the community it serves or  
 873 within the racial/ethnic range of other nearby public schools ~~in~~  
 874 ~~the same school district.~~

875 5. Students who meet reasonable academic, artistic, or  
 876 other eligibility standards established by the charter school  
 877 and included in the charter school application and charter or,  
 878 in the case of existing charter schools, standards that are  
 879 consistent with the school's mission and purpose. Such standards  
 880 shall be in accordance with current state law and practice in  
 881 public schools and may not discriminate against otherwise  
 882 qualified individuals.

883 6. Students articulating from one charter school to another  
 884 pursuant to an articulation agreement between the charter  
 885 schools that has been approved by the sponsor.

886 7. Students living in a development in which a developer,  
 887 including any affiliated business entity or charitable  
 888 foundation, contributes to the formation, acquisition,  
 889 construction, or operation of one or more charter schools or  
 890 charter provides the school facilities facility and related  
 891 property in an amount equal to or having a total ~~an~~ appraised  
 892 value of at least \$5 million to be used as a charter schools  
 893 ~~school~~ to mitigate the educational impact created by the  
 894 development of new residential dwelling units. Students living  
 895 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
 896 percent of the student stations in the charter schools ~~school~~.  
 897 The students who are eligible for enrollment are subject to a  
 898 random lottery, the racial/ethnic balance provisions, or any  
 899 federal provisions, as described in subparagraph 4. The

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900 remainder of the student stations must ~~shall~~ be filled in  
 901 accordance with subparagraph 4.

902 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION  
 903 OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER  
 904 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or  
 905 otherwise secure funds for a charter school authorized in this  
 906 section from a source other than the state or a sponsor school  
 907 ~~district~~ shall indemnify the state and the sponsor school  
 908 ~~district~~ from any and all liability, including, but not limited  
 909 to, financial responsibility for the payment of the principal or  
 910 interest. Any loans, bonds, or other financial agreements are  
 911 not obligations of the state or the sponsor school district but  
 912 are obligations of the charter school authority and are payable  
 913 solely from the sources of funds pledged by such agreement. The  
 914 credit or taxing power of the state or the sponsor school  
 915 ~~district~~ shall not be pledged and no debts shall be payable out  
 916 of any moneys except those of the legal entity in possession of  
 917 a valid charter approved by a sponsor district school board  
 918 pursuant to this section.

919 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
 920 A-MUNICIPALITY.—

921 (c) A charter school-in-a-municipality designation may be  
 922 granted to a municipality that possesses a charter; enrolls  
 923 students based upon a random lottery that involves all of the  
 924 children of the residents of that municipality who are seeking  
 925 enrollment, as provided for in subsection (10); and enrolls  
 926 students according to the racial/ethnic balance provisions  
 927 described in subparagraph (7)(a)8. When a municipality has  
 928 submitted charter applications for the establishment of a

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929 charter school feeder pattern, consisting of elementary, middle,  
 930 and senior high schools, and each individual charter application  
 931 is approved by the ~~sponsor district school board~~, such schools  
 932 shall then be designated as one charter school for all purposes  
 933 listed pursuant to this section. Any portion of the land and  
 934 facility used for a public charter school shall be exempt from  
 935 ad valorem taxes, as provided for in s. 1013.54, for the  
 936 duration of its use as a public school.

937 (17) FUNDING.—Students enrolled in a charter school,  
 938 regardless of the sponsorship, shall be funded as if they are in  
 939 a basic program or a special program, the same as students  
 940 enrolled in other public schools in a the school district.  
 941 Funding for a charter lab school shall be as provided in s.  
 942 1002.32.

943 (a) Each charter school shall report its student enrollment  
 944 to the sponsor as required in s. 1011.62, and in accordance with  
 945 the definitions in s. 1011.61. The sponsor shall include each  
 946 charter school's enrollment in the sponsor's district's report  
 947 of student enrollment. All charter schools submitting student  
 948 record information required by the Department of Education shall  
 949 comply with the Department of Education's guidelines for  
 950 electronic data formats for such data, and all sponsors  
 951 ~~districts~~ shall accept electronic data that complies with the  
 952 Department of Education's electronic format.

953 (b) 1. The basis for the agreement for funding students  
 954 enrolled in a charter school shall be the sum of the school  
 955 district's operating funds from the Florida Education Finance  
 956 Program as provided in s. 1011.62 and the General Appropriations  
 957 Act, including gross state and local funds, discretionary

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958 lottery funds, and funds from the school district's current  
 959 operating discretionary millage levy; divided by total funded  
 960 weighted full-time equivalent students in the school district;  
 961 and multiplied by the weighted full-time equivalent students for  
 962 the charter school. Charter schools whose students or programs  
 963 meet the eligibility criteria in law are entitled to their  
 964 proportionate share of categorical program funds included in the  
 965 total funds available in the Florida Education Finance Program  
 966 by the Legislature, including transportation, the research-based  
 967 reading allocation, and the Florida digital classrooms  
 968 allocation. Total funding for each charter school shall be  
 969 recalculated during the year to reflect the revised calculations  
 970 under the Florida Education Finance Program by the state and the  
 971 actual weighted full-time equivalent students reported by the  
 972 charter school during the full-time equivalent student survey  
 973 periods designated by the Commissioner of Education. For charter  
 974 schools operated by a not-for-profit or municipal entity, any  
 975 unrestricted current and capital assets identified in the  
 976 charter school's annual financial audit may be used for other  
 977 charter schools operated by the not-for-profit or municipal  
 978 entity within the school district. Unrestricted current assets  
 979 shall be used in accordance with s. 1011.62, and any  
 980 unrestricted capital assets shall be used in accordance with s.  
 981 1013.62(2).

982 2.a. Students enrolled in a charter school sponsored by a  
 983 state university or Florida College System institution pursuant  
 984 to paragraph (5)(a) shall be funded as if they are in a basic  
 985 program or a special program in the school district. The basis  
 986 for funding these students is the sum of the total operating

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987 funds from the Florida Education Finance Program for the school  
 988 district in which the school is located as provided in s.  
 989 1011.62 and the General Appropriations Act, including gross  
 990 state and local funds, discretionary lottery funds, and funds  
 991 from each school district's current operating discretionary  
 992 millage levy, divided by total funded weighted full-time  
 993 equivalent students in the district, and multiplied by the full-  
 994 time equivalent membership of the charter school. The Department  
 995 of Education shall develop a tool that each state university or  
 996 Florida College System institution sponsoring a charter school  
 997 shall use for purposes of calculating the funding amount for  
 998 each eligible charter school student. The total amount obtained  
 999 from the calculation must be appropriated from state funds in  
 1000 the General Appropriations Act to the charter school.

1001 b. Capital outlay funding for a charter school sponsored by  
 1002 a state university or Florida College System institution  
 1003 pursuant to paragraph (5)(a) is determined pursuant to s.  
 1004 1013.62 and the General Appropriations Act.

1005 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
 1006 schools shall receive all federal funding for which the school  
 1007 is otherwise eligible, including Title I funding, not later than  
 1008 5 months after the charter school first opens and within 5  
 1009 months after any subsequent expansion of enrollment. Unless  
 1010 otherwise mutually agreed to by the charter school and its  
 1011 sponsor, and consistent with state and federal rules and  
 1012 regulations governing the use and disbursement of federal funds,  
 1013 the sponsor shall reimburse the charter school on a monthly  
 1014 basis for all invoices submitted by the charter school for  
 1015 federal funds available to the sponsor for the benefit of the

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1016 charter school, the charter school's students, and the charter  
 1017 school's students as public school students in the school  
 1018 district. Such federal funds include, but are not limited to,  
 1019 Title I, Title II, and Individuals with Disabilities Education  
 1020 Act (IDEA) funds. To receive timely reimbursement for an  
 1021 invoice, the charter school must submit the invoice to the  
 1022 sponsor at least 30 days before the monthly date of  
 1023 reimbursement set by the sponsor. In order to be reimbursed, any  
 1024 expenditures made by the charter school must comply with all  
 1025 applicable state rules and federal regulations, including, but  
 1026 not limited to, the applicable federal Office of Management and  
 1027 Budget Circulars; the federal Education Department General  
 1028 Administrative Regulations; and program-specific statutes,  
 1029 rules, and regulations. Such funds may not be made available to  
 1030 the charter school until a plan is submitted to the sponsor for  
 1031 approval of the use of the funds in accordance with applicable  
 1032 federal requirements. The sponsor has 30 days to review and  
 1033 approve any plan submitted pursuant to this paragraph.

1034 (d) Charter schools shall be included by the Department of  
 1035 Education and the district school board in requests for federal  
 1036 stimulus funds in the same manner as district school board-  
 1037 operated public schools, including Title I and IDEA funds and  
 1038 shall be entitled to receive such funds. Charter schools are  
 1039 eligible to participate in federal competitive grants that are  
 1040 available as part of the federal stimulus funds.

1041 (e) Sponsors ~~District school boards~~ shall make timely and  
 1042 efficient payment and reimbursement to charter schools,  
 1043 including processing paperwork required to access special state  
 1044 and federal funding for which they may be eligible. Payments of

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1045 funds under paragraph (b) shall be made monthly or twice a  
 1046 month, beginning with the start of the sponsor's ~~district school~~  
 1047 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
 1048 twenty-fourth, as applicable, of the total state and local funds  
 1049 described in paragraph (b) and adjusted as set forth therein.  
 1050 For the first 2 years of a charter school's operation, if a  
 1051 minimum of 75 percent of the projected enrollment is entered  
 1052 into the sponsor's student information system by the first day  
 1053 of the current month, the sponsor ~~district school board~~ shall  
 1054 distribute funds to the school for the months of July through  
 1055 October based on the projected full-time equivalent student  
 1056 membership of the charter school as submitted in the approved  
 1057 application. If less than 75 percent of the projected enrollment  
 1058 is entered into the sponsor's student information system by the  
 1059 first day of the current month, the sponsor shall base payments  
 1060 on the actual number of student enrollment entered into the  
 1061 sponsor's student information system. Thereafter, the results of  
 1062 full-time equivalent student membership surveys shall be used in  
 1063 adjusting the amount of funds distributed monthly to the charter  
 1064 school for the remainder of the fiscal year. The payments shall  
 1065 be issued no later than 10 working days after the sponsor  
 1066 ~~district school board~~ receives a distribution of state or  
 1067 federal funds or the date the payment is due pursuant to this  
 1068 subsection. If a warrant for payment is not issued within 10  
 1069 working days after receipt of funding by the sponsor ~~district~~  
 1070 ~~school board~~, the sponsor ~~school district~~ shall pay to the  
 1071 charter school, in addition to the amount of the scheduled  
 1072 disbursement, interest at a rate of 1 percent per month  
 1073 calculated on a daily basis on the unpaid balance from the

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1074 expiration of the 10 working days until such time as the warrant  
 1075 is issued. The district school board may not delay payment to a  
 1076 charter school of any portion of the funds provided in paragraph  
 1077 (b) based on the timing of receipt of local funds by the  
 1078 district school board.  
 1079 (f) Funding for a virtual charter school shall be as  
 1080 provided in s. 1002.45(7).  
 1081 (g) To be eligible for public education capital outlay  
 1082 (PECO) funds, a charter school must be located in the State of  
 1083 Florida.  
 1084 (h) A charter school that implements a schoolwide standard  
 1085 student attire policy pursuant to s. 1011.78 is eligible to  
 1086 receive incentive payments.  
 1087 (18) FACILITIES.—  
 1088 (e) If a district school board facility or property is  
 1089 available because it is surplus, marked for disposal, or  
 1090 otherwise unused, it shall be provided for a charter school's  
 1091 use on the same basis as it is made available to other public  
 1092 schools in the district. A charter school receiving property  
 1093 from the sponsor ~~school district~~ may not sell or dispose of such  
 1094 property without written permission of the sponsor ~~school~~  
 1095 ~~district~~. Similarly, for an existing public school converting to  
 1096 charter status, no rental or leasing fee for the existing  
 1097 facility or for the property normally inventoried to the  
 1098 conversion school may be charged by the district school board to  
 1099 the parents and teachers organizing the charter school. The  
 1100 charter school shall agree to reasonable maintenance provisions  
 1101 in order to maintain the facility in a manner similar to  
 1102 district school board standards. The Public Education Capital

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Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor school ~~district~~ at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public

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school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district.

2. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in the state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including

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250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

(b) If goods and services are made available to the charter school through the contract with the sponsor ~~school district~~, they shall be provided to the charter school at a rate no greater than the sponsor's ~~district's~~ actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the

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party whom the administrative law judge rules against. To maximize the use of state funds, sponsors ~~school districts~~ shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.E. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the sponsor ~~district school board~~, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(d) Each charter school shall annually complete and submit a survey, provided in a format specified by the Department of Education, to rate the timeliness and quality of services provided by the sponsor ~~district~~ in accordance with this section. The department shall compile the results, by sponsor ~~district~~, and include the results in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created. This information shall include the standard application form, standard charter contract, standard evaluation instrument, and standard charter renewal contract, which shall include the information specified in subsection (7) and shall be

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developed by consulting and negotiating with both sponsors  
~~school districts~~ and charter schools before implementation. The  
 charter and charter renewal contracts shall be used by charter  
 school sponsors.

(b)1. The Department of Education shall report to each  
 charter school receiving a school grade pursuant to s. 1008.34  
 or a school improvement rating pursuant to s. 1008.341 the  
 school's student assessment data.

2. The charter school shall report the information in  
 subparagraph 1. to each parent of a student at the charter  
 school, the parent of a child on a waiting list for the charter  
 school, the sponsor ~~district in which the charter school is~~  
~~located~~, and the governing board of the charter school. This  
 paragraph does not abrogate the provisions of s. 1002.22,  
 relating to student records, or the requirements of 20 U.S.C. s.  
 1232g, the Family Educational Rights and Privacy Act.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 SCHOOL SYSTEMS.—

(a) A charter school system's governing board shall be  
 designated a local educational agency for the purpose of  
 receiving federal funds, the same as though the charter school  
 system were a school district, if the governing board of the  
 charter school system has adopted and filed a resolution with  
 its sponsor ~~sponsoring district school board~~ and the Department  
 of Education in which the governing board of the charter school  
 system accepts the full responsibility for all local education  
 agency requirements and the charter school system meets all of  
 the following:

1. Has all schools located in the same county;

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2. Has a total enrollment exceeding the total enrollment of  
 at least one school district in the state; and  
 3. Has the same governing board.

Such designation does not apply to other provisions unless  
 specifically provided in law.

(28) RULEMAKING.—The Department of Education, after  
 consultation with sponsors ~~school districts~~ and charter school  
 directors, shall recommend that the State Board of Education  
 adopt rules to implement specific subsections of this section.  
 Such rules shall require minimum paperwork and shall not limit  
 charter school flexibility authorized by statute. The State  
 Board of Education shall adopt rules, pursuant to ss. 120.536(1)  
 and 120.54, to implement a standard charter application form,  
 standard application form for the replication of charter schools  
 in a high-performing charter school system, standard evaluation  
 instrument, and standard charter and charter renewal contracts  
 in accordance with this section.

Section 3. Paragraph (b) of subsection (3) of section  
 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(3)

(b) A high-performing charter school may submit not  
~~establish more than two applications for a charter school~~  
~~schools~~ within the state under paragraph (a) to be opened at a  
time determined by the high-performing charter school in any  
year. A subsequent application to establish a charter school  
 under paragraph (a) may not be submitted unless each charter  
 school applicant commences operations or an application is

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1277 ~~otherwise withdrawn established in this manner achieves high-~~  
 1278 ~~performing charter school status.~~ However, a high-performing  
 1279 charter school may establish more than one charter school within  
 1280 the state under paragraph (a) in any year if it operates in the  
 1281 area of a persistently low-performing school and serves students  
 1282 from that school. This paragraph applies to any high-performing  
 1283 charter school with an existing approved application.

1284 Section 4. Paragraph (c) of subsection (1), paragraphs (g)  
 1285 and (h) of subsection (6), paragraph (d) of subsection (7), and  
 1286 paragraph (b) of subsection (10) of section 1002.333, Florida  
 1287 Statutes, are amended to read:

1288 1002.333 Persistently low-performing schools.—

1289 (1) DEFINITIONS.—As used in this section, the term:

1290 (c) "Persistently low-performing school" means a school  
 1291 that has earned three grades lower than a "C," pursuant to s.  
 1292 1008.34, in at least 3 of the previous 5 years that the school  
 1293 received a grade and has not earned a grade of "B" or higher in  
 1294 the most recent 2 school years, and a school that was closed  
 1295 pursuant to s. 1008.33(4) within 2 years after the submission of  
 1296 a notice of intent.

1297 (6) STATUTORY AUTHORITY.—

1298 (g) Each school of hope that has not been designated as a  
 1299 local education agency shall report its students to the school  
 1300 district as required in s. 1011.62, and in accordance with the  
 1301 definitions in s. 1011.61. The school district shall include  
 1302 each charter school's enrollment in the district's report of  
 1303 student enrollment. A school of hope designated as a local  
 1304 education agency may report its students to the department in  
 1305 accordance with the definitions in s. 1011.61 pursuant to

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1306 procedures and timelines adopted by the department. All charter  
 1307 schools submitting student record information required by the  
 1308 department shall comply with the department's guidelines for  
 1309 electronic data formats for such data, and all districts shall  
 1310 accept electronic data that complies with the department's  
 1311 electronic format.

1312 (h) A ~~school of~~ hope operator shall provide the school  
 1313 district with a concise, uniform, quarterly financial statement  
 1314 summary sheet that contains a balance sheet and a statement of  
 1315 revenue, expenditures, and changes in fund balance. The balance  
 1316 sheet and the statement of revenue, expenditures, and changes in  
 1317 fund balance shall be in the governmental fund format prescribed  
 1318 by the Governmental Accounting Standards Board. Additionally, a  
 1319 ~~school of~~ hope operator shall comply with the annual audit  
 1320 requirement ~~for charter schools~~ in s. 218.39.

1321 (7) FACILITIES.—

1322 (d) No later than January ~~October~~ 1, the department ~~each~~  
 1323 ~~school district~~ shall annually provide to school districts ~~the~~  
 1324 ~~Department of Education~~ a list of all underused, vacant, or  
 1325 surplus facilities owned or operated by the school district as  
 1326 reported in the Florida Inventory of School Houses. A school  
 1327 district may provide evidence to the department that the list  
 1328 contains errors or omissions within 30 days after receipt of the  
 1329 list. By each April 1, the department shall update and publish a  
 1330 final list of all underused, vacant, or surplus facilities owned  
 1331 or operated by each school district, based upon updated  
 1332 information provided by each school district. A hope operator  
 1333 establishing a school of hope may use an educational facility  
 1334 identified in this paragraph at no cost or at a mutually

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agreeable cost not to exceed \$600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, the term "underused, vacant, or surplus facility" means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 7 5 years after the effective date of the original appropriation.

Section 5. Paragraph (a) of subsection (1) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(1) (a) A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies shall be offered by public schools and school districts. Career and professional academies may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and

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professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 6. Present subsection (3) of section 1008.3415, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(3) The Commissioner of Education, upon request by a charter school that is an exceptional student education center and that has received two consecutive ratings of "maintaining" or higher pursuant to s. 1008.341(2), shall provide a letter to the charter school and to the charter school's sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school under s. 1002.331(3).

Section 7. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2) (a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) 1. Instructional and noninstructional personnel who are hired or contracted to fill positions in a ~~any~~ charter school

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1393 other than a school of hope as defined in s. 1002.333(1)(d)1.,  
 1394 and members of the governing board of ~~such any~~ charter school,  
 1395 in compliance with s. 1002.33(12)(g), ~~must~~, upon employment,  
 1396 engagement of services, or appointment, shall undergo background  
 1397 screening as required under s. 1012.465 or s. 1012.56, whichever  
 1398 is applicable, by filing with the district school board for the  
 1399 school district in which the charter school is located a  
 1400 complete set of fingerprints taken by an authorized law  
 1401 enforcement agency or an employee of the school or school  
 1402 district who is trained to take fingerprints.

1403 2. Instructional and noninstructional personnel who are  
 1404 hired or contracted to fill positions in a school of hope as  
 1405 defined in s. 1002.333(1)(d)1., and members of the governing  
 1406 board of such school of hope, shall file with the school of hope  
 1407 a complete set of fingerprints taken by an authorized law  
 1408 enforcement agency, by an employee of the school of hope or  
 1409 school district who is trained to take fingerprints, or by any  
 1410 other entity recognized by the Department of Law Enforcement to  
 1411 take fingerprints.

1412 (c) Instructional and noninstructional personnel who are  
 1413 hired or contracted to fill positions that require direct  
 1414 contact with students in an alternative school that operates  
 1415 under contract with a district school system must, upon  
 1416 employment or engagement to provide services, undergo background  
 1417 screening as required under s. 1012.465 or s. 1012.56, whichever  
 1418 is applicable, by filing with the district school board for the  
 1419 school district to which the alternative school is under  
 1420 contract a complete set of fingerprints taken by an authorized  
 1421 law enforcement agency or an employee of the school or school

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1422 district who is trained to take fingerprints.

1423 (d) Student teachers and persons participating in a field  
 1424 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
 1425 district school system, lab school, or charter school must, upon  
 1426 engagement to provide services, undergo background screening as  
 1427 required under s. 1012.56.

1428 Required fingerprints ~~must shall~~ be submitted to the Department  
 1429 of Law Enforcement for statewide criminal and juvenile records  
 1430 checks and to the Federal Bureau of Investigation for federal  
 1431 criminal records checks. A person subject to this subsection who  
 1432 is found ineligible for employment under s. 1012.315, or  
 1433 otherwise found through background screening to have been  
 1434 convicted of any crime involving moral turpitude as defined by  
 1435 rule of the State Board of Education, shall not be employed,  
 1436 engaged to provide services, or serve in any position that  
 1437 requires direct contact with students. Probationary persons  
 1438 subject to this subsection terminated because of their criminal  
 1439 record have the right to appeal such decisions. The cost of the  
 1440 background screening may be borne by the district school board,  
 1441 the charter school, the employee, the contractor, or a person  
 1442 subject to this subsection. A district school board shall  
 1443 reimburse a charter school the cost of background screening if  
 1444 it does not notify the charter school of the eligibility of a  
 1445 governing board member or instructional or noninstructional  
 1446 personnel within the earlier of 14 days after receipt of the  
 1447 background screening results from the Florida Department of Law  
 1448 Enforcement or 30 days of submission of fingerprints by the  
 1449 governing board member or instructional or noninstructional  
 1450

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personnel.

Section 8. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 General Appropriations Act. Beginning in fiscal year 2021-2022, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter

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school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; ~~or~~

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b); or

f. Be operated by a hope operator pursuant to s. 1002.333.

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 9. This act shall take effect July 1, 2021.



The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** March 31, 2021

---

I respectfully request that **Senate Bill #1028**, relating to Charter Schools, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, reading "Travis J. Hutson".

---

Senator Travis Hutson  
Florida Senate, District 7



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8

Meeting Date

1028

Bill Number (if applicable)

444320

Amendment Barcode (if applicable)

Topic Education-Charter Schools

Name Adam Miller

Job Title VP Policy

Address 4651 Salisbury Rd.

Street

Phone 850-766-5770

Jacksonville

City

FL

State

32256

Zip

Email Adam.Miller@IDEAPUBLICschools.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing IDEA Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2

April 8 2021  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1028  
Bill Number (if applicable)  
44X320  
Amendment Barcode (if applicable)

Topic SB 1028

Name Stuart Brown

Job Title Lobbyist for KIPP Miami

Address 317 E. Park Ave.  
Street

Phone 850-510-5644

Tallahassee FL 32301  
City State Zip

Email brewerebrownson@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing KIPP Miami

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

3

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21

Meeting Date

SB 1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Ethan Merchant

Job Title Governmental Affairs Coordinator, Liberty Partners of Tallahassee

Address 113 E. College Ave.

Phone (850) 841-1726

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Tallahassee

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32302

Zip

Email ethan@libertypartnersfl.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing National Coalition for Public School Options

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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4

4/08/2021

Meeting Date

THE FLORIDA SENATE  
**APPEARANCE RECORD**

1028

Bill Number (if applicable)

444320

Amendment Barcode (if applicable)

Topic Charter Schools

Name Andreina Figueroa

Job Title \_\_\_\_\_

Address 8460 SW 184th St

Phone 786-586-7001

Street

8460 SW 184th St

FL

33157

Email adf@adfconsulting.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Academica

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

5

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/2021

Meeting Date

1028

Bill Number (if applicable)

444320

Amendment Barcode (if applicable)

Topic CHARTER Schools

Name Phillip Singleton

Job Title \_\_\_\_\_

Address 12015 Bridgehampton Rd  
Street

Phone 561-670-0007

JAX  
City

FL  
State

32218  
Zip

Email phillip@phillipsingleton.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing WAYMAN ACADEMY OF THE ARTS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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6

April 8 2021

Meeting Date

THE FLORIDA SENATE

## APPEARANCE RECORD

SB1028

Bill Number (if applicable)

Topic Charter School Authorizers

Amendment Barcode (if applicable)

Name Marie-Claire Leman

Job Title Parent and Tax payer

Address 1911 Wahalaw Court

Phone 850-728-7514

Street

Tallahassee

FL

32301

City

State

Zip

Email marieclaireleman@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Fund Education Now

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21

Meeting Date

SB 1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Breta "Breta" Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy

Street

Orlando

City

FL

State

32809

Zip

Phone 407/855-7604

Email bwilkinslincoln@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Florida ~~PTA~~ PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8

Meeting Date

1028

Bill Number (if applicable)

Topic Education - CHARTER Schools

Amendment Barcode (if applicable)

Name Adam MillerJob Title VP PolicyAddress 4651 Sausbury RD

Street

Phone 850-766-9770

City

Jacksonville, FL

State

32250

Zip

Email Adam.Miller@IDEAPublicSchools.orgSpeaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)Representing IDEA Public SchoolsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)



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THE FLORIDA SENATE

APPEARANCE RECORD

4-8-2021

Meeting Date

SB 1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Ellen Merchant

Job Title

Address

Street

Phone

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing National Coalition of Public School Options

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

## APPEARANCE RECORD

10

4/8/2021

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1098

Bill Number (if applicable)

Topic

CHARTER SCHOOLS

Amendment Barcode (if applicable)

Name

CHRISTIAN CANARA

Job Title

Address

PO Box 122

Phone

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City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

FLORIDA CHARTER SCHOOL ALLIANCE

Appearing at request of Chair: ☐ Yes ☐ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

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**THE FLORIDA SENATE**

**APPEARANCE RECORD**

4-8-2021

*Meeting Date*

SB 1028

*Bill Number (if applicable)*

Topic Charter Schools

*Amendment Barcode (if applicable)*

Name Marie-Claire Leman

Job Title Parent and Tax Payer

Address 1911 Wahalaw Court

Phone 850-728-7514

*Street*

Tallahassee

FL

32301

*City*

*State*

*Zip*

Email marieclaireleman@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing National Coalition of Public School Options

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

8 April 21

Meeting Date

1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name DIEGO ECHEVERRI

Job Title Legislative Liaison

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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4/08/2021

Meeting Date

THE FLORIDA SENATE

## APPEARANCE RECORD

1028

Bill Number (if applicable)

Topic Charter Schools

Amendment Barcode (if applicable)

Name Andreina Figueroa

Job Title

Address 8460 SW 184th St

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City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Academica

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**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 Appropriations Subcommittee on Education

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BILL: PCS/SB 1282 (112068)

INTRODUCER: Appropriations Subcommittee on Education; and Senator Harrell

SUBJECT: Early Learning and Early Grade Success

DATE: April 12, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2. <u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3. _____	_____	<u>AP</u>	_____

---

**I. Summary:**

PCS/SB 1282 expands accountability and assessment requirements for Voluntary Prekindergarten Education Program (VPK) providers. Specifically, the bill requires:

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- Beginning in the 2022-2023 program year, a program assessment composite score for each VPK provider based on the results of a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on the results of the CSPM, including learning gains, and the program assessment, beginning in the 2022-2023 program year.
- The assignment of a performance designation for VPK providers beginning with the 2023-2024 program year.

The bill creates the Council for Early Grade Success within the Department of Education (DOE) to oversee the CSPM and requires the new screenings and assessments to be administered by qualified individuals.

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate. The bill authorizes early learning coalitions to adopt an alternative payment schedule that has been approved by the federal Administration for Children and Families. The bill also transfers the Gold Seal Quality Care program to the Office of Early Learning (OEL) from the Department of Children and Families and adds standards for accrediting associations.

The bill will have a significant negative fiscal to the state to implement the new coordinated screening and progress monitoring program and to implement the VPK program assessment. See Section V.

The bill takes effect upon becoming a law.

## **II. Present Situation:**

### **State Level Governance**

#### ***Department of Education***

The Department of Education (DOE) is the administrative and supervisory agency under the implementation direction of the State Board of Education (SBE).<sup>1</sup> The Commissioner of Education (commissioner) is appointed by the SBE and serves as the executive director of the DOE. The DOE includes the Office of Early Learning (OEL), which is administered by an executive director who is fully accountable to the commissioner.<sup>2</sup>

#### ***Office of Early Learning***

The OEL administers the school readiness program and the Voluntary Prekindergarten Education Program (VPK)<sup>3</sup>—and an annual budget of \$1.37 billion.<sup>4</sup> The OEL is the lead agency in Florida for administering the federal Child Care and Development Block Grant Trust Fund (CCDF).<sup>5</sup> The OEL adopts rules as required for the establishment and operation of the school readiness program and the VPK program.<sup>6</sup> The executive director of the OEL is responsible for administering early learning programs at the state level. The OEL administers statewide the child care resource and referral (CCR&R) network, which provides information about state-funded early learning programs, provides families with a customized listing of child care providers, is used to document requests for services, and provides technical assistance to providers.<sup>7</sup>

The OEL employs an inspector general, as required by law, to promote accountability, integrity, and efficiency in the administration of early learning programs. Statutory duties of the inspector general include the duty to advise the OEL in the development of performance measures, standards, and procedures employed by the OEL.<sup>8</sup>

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

<sup>2</sup> Section 20.15, F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Early Learning Services Program Total, s. 2, ch. 2020-111, L.O.F.

<sup>5</sup> Section 1002.82(1), F.S.

<sup>6</sup> The OEL is required to submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be immediately filed with the Department of State. Section 1001.213, F.S.

<sup>7</sup> See ss. 1001.213(5), 1002.82(2)(f)1.b., and 1002.92(1) and (3), F.S.; Florida Office of Early Learning, *Welcome to Florida's Early Learning Family Portal*, <https://familyservices.floridaearlylearning.com/> (last visited Mar. 19, 2021); see also Florida's Office of Early Learning, *Family Resources: Find Quality Child Care*, <http://www.floridaearlylearning.com/family-resources/find-quality-child-care/locate-a-child-care-resource-referral-service> (last visited Mar. 19, 2021).

<sup>8</sup> Section 20.055(1), F.S.

### ***Early Learning Coalitions***

The OEL governs the day-to-day operations of statewide early learning programs and administers federal and state child care funds. Across the state, 30 regional early learning coalitions (ELCs) and the Redlands Christian Migrant Association are responsible for delivering local services, including the VPK program and the school readiness program.<sup>9</sup> Each ELC is governed by a board of directors comprised of various stakeholders and community representatives.<sup>10</sup> The SBE does not have authority over ELCs, and early learning data is not collected in the K-20 student database as part of the management information databases governed by the SBE.<sup>11</sup>

### ***Child Care Executive Partnership Program***

A body politic and corporate known as the Child Care Executive Partnership governs the Child Care Executive Partnership (CCEP) Program. The purpose of the CCEP Program is to use state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources so that Florida communities may create local flexible partnerships with employers. The CCEP Program funds are used at the discretion of local communities to meet the needs of working parents.<sup>12</sup> The CCEP Program was not funded in the 2020 fiscal year.<sup>13</sup>

### ***Florida Civil Rights Act***

Title VI, 42 U.S.C. s. 2000d, et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.<sup>14</sup> The 1992 Florida Legislature enacted the Florida Civil Rights Act (FCRA) to protect persons from discrimination in education, employment, housing, and public accommodations. In addition to the classes of race, color, religion, sex, and national origin protected in federal law, the FCRA includes age, handicap, and marital status as protected classes.<sup>15</sup> The FCRA applies to employers who employ 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.<sup>16</sup>

### ***The Voluntary Prekindergarten Education Program***

The Florida Constitution requires the State to provide every four-year old child a high quality pre-kindergarten learning opportunity in the form of an early childhood development and education program which must be voluntary, high quality, free, and delivered according to

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<sup>9</sup> The Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Mar. 19, 2021). See also 1002.83(1), F.S.

<sup>10</sup> Section 1002.83(3), F.S.

<sup>11</sup> Florida Department of Education, *Agency Legislative Bill Analysis for HB 1013* (2020), at 13.

<sup>12</sup> Section 1002.94, F.S.

<sup>13</sup> Chapter 2020-111, L.O.F.

<sup>14</sup> U.S. Department of Justice, *Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000d et seq.*, available at <https://www.justice.gov/crt/fcs/TitleVI-Overview> (last visited Apr. 8, 2021).

<sup>15</sup> Section 760.10(1)(a), F.S.

<sup>16</sup> Section 760.02(7), F.S.



professionally accepted standards.<sup>17</sup> In 2004, the State established a free Voluntary Prekindergarten (VPK) program offered to eligible four-year-old children.<sup>18</sup> Parents may choose either a school-year or summer program offered by either a public or private school.<sup>19</sup> For the 2020-2021 year, \$412.2 million was appropriated from General Revenue for the VPK program in the 2020 General Appropriations Act.<sup>20</sup> During the 2019-2020 academic year, the VPK program served 156,956 students.<sup>21</sup>

ELCs and school districts administer the VPK program at the county or regional level. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's service area. A local ELC must coordinate with the local school district in the ELC's service area to develop procedures for enrolling children in public school VPK programs.<sup>22</sup>

The OEL adopts procedures governing the administration of the VPK program for ELCs and school districts, including procedures for:

- Enrolling children and documenting and certifying student enrollment and student attendance.
- Providing parents with profiles of VPK providers.
- Registering private prekindergarten providers and public schools to deliver the program.
- Determining the eligibility of private prekindergarten providers to deliver the program and streamlining the process of provider eligibility whenever possible.
- Verifying the compliance and removing VPK providers from eligibility to deliver the program due to noncompliance or misconduct.
- Placing schools on probation and requiring corrective actions.
- Paying VPK providers.
- Reconciling advance payments in accordance with the uniform attendance policy.
- Reenrolling students dismissed by a VPK provider for noncompliance with the VPK provider's attendance policy.
- Approving improvement plans.
- Approving and paying specialized instructional services providers.<sup>23</sup>

The OEL consults with the DOE regarding procedures implemented by ELCs and school districts for administering corrective action to VPK providers and administering the VPK program for specialized instructional services for children with disabilities.<sup>24</sup>

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<sup>17</sup> Art. IX, s. 1(b), Fla. Const. An early childhood development and education program means an organized program designed to address and enhance each child's ability to make age appropriate progress in an appropriate range of settings in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities through education in basic skills and such other skills as the Legislature may determine to be appropriate.

<sup>18</sup> Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

<sup>19</sup> Section 1002.53(3), F.S.

<sup>20</sup> Specific Appropriation 88, s. 2, ch. 2020-111, L.O.F.

<sup>21</sup> Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 8 (last visited Mar. 19, 2021).

<sup>22</sup> Section 1002.53(4), F.S.

<sup>23</sup> Section 1002.75(2), F.S.

<sup>24</sup> Section 1002.67(3), F.S.; *see also* s. 1002.66, F.S.

***VPK Instructor Requirements***

A VPK provider offering a school-year VPK program must have, for each class, at least one instructor with:

- A Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition; or
- A credential approved by the Department of Children and Families (DCF) as being equivalent to or greater than the CDA; and
- Five clock hours of training in emergent literacy and successful completion of a student performance standards training course.<sup>25</sup>

An instructor in a school-year VPK program implemented by a public school district must meet the same qualifications that are required of a private VPK program instructor, in addition to standard employment requirements for all instructional personnel in public schools.<sup>26</sup> A school-year VPK provider must have a second adult instructor for each class of 12 or more students; however, the second instructor is not required to meet the same qualifications as the lead instructor.<sup>27</sup>

In lieu of the minimum credentials listed above, a private VPK program instructor may hold:

- An associate's or higher degree in child development;
- An associate's or higher degree in an unrelated field, at least six credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through eight years of age;
- A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;
- A bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current; or
- An educational credential approved by the OEL as being equivalent to or greater than any of these educational credentials.<sup>28</sup>

The OEL sets minimum standards for emergent literacy training courses for VPK instructors. Each course must be at least five clock hours long and provide strategies and techniques regarding the age-appropriate progress of prekindergarten students in developing emergent literacy skills. Each emergent literacy course must also provide strategies for helping students with disabilities and other special needs maximize their benefit from the VPK program.

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<sup>25</sup> Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2019), incorporated by reference in Rule 65C-22.001(7), F.A.C.

<sup>26</sup> Sections 1002.63(5)-(6), F.S.; see also Florida Department of Education, *Technical Assistance Paper: VPK Instructor Qualifications #07-01*, at 2 (Jan. 2007), available at <https://info.fl DOE.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

<sup>27</sup> Sections 1002.55(3)(f) and 1002.63(7), F.S.

<sup>28</sup> Section 1002.55(4), F.S.

Each course on performance standards must be at least three clock hours, provide instruction in strategies and techniques to address age-appropriate progress of each child in attaining the standards, and be available online.<sup>29</sup>

### ***VPK Performance Standards***

The OEL develops and adopts performance standards for students in VPK programs. The performance standards must address the age-appropriate progress of students in the development of:

- The capabilities, capacities, and skills required in the development of language and cognitive capabilities and emotional, social, regulatory and moral capacities.
- Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.<sup>30</sup>

Each VPK provider's curriculum must be developmentally appropriate, designed to prepare a student for early literacy, enhance age-appropriate student progress in attaining state-adopted performance standards, and prepare students to be ready for kindergarten based on the statewide kindergarten screening.<sup>31</sup>

### ***Statewide Kindergarten Readiness Screening***

The DOE has adopted a statewide kindergarten readiness screening, the Florida Kindergarten Readiness Screener (FLKRS),<sup>32</sup> and requires each school district to administer the statewide kindergarten readiness screening within the first 30 days of each school year.<sup>33</sup> The screening measures a child's readiness for kindergarten in eight domains: physical development; approaches to learning; social and emotional development; language and literacy; mathematical thinking; scientific inquiry; social studies; and creative expression through the arts.<sup>34</sup>

Kindergarten student scores must demonstrate a score of at least 500 on the screening assessment to be considered "ready for kindergarten." For the fall 2019 administration of the screening assessment, 53 percent of 190,805 kindergarten students were designated as "ready for kindergarten."<sup>35</sup>

<sup>29</sup> Section 1002.59(1) and (2), F.S.

<sup>30</sup> Section 1002.67, F.S.; Art. IX, s. 1(b), Fla. Const.

<sup>31</sup> Section 1002.67(1)(b), F.S.

<sup>32</sup> The DOE selected the Star Early Literacy Assessment, developed by Renaissance Learning, Inc., as the Florida Kindergarten Readiness Screener (FLKRS). Rule 6M-8.601(3)(b)1., F.A.C.; *see also* FDOE, *Florida Kindergarten Readiness Screener*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/flkrs/> (last visited Mar. 13, 2021).

<sup>33</sup> Sections 1002.69(1)-(3) and 1002.73, F.S.

<sup>34</sup> *See* s. 1002.67(1), F.S. *See also* Florida's Office of Early Learning, *Early Learning and Developmental Standards: 4 Years Old to Kindergarten* (2017) at 1, incorporated by reference in rule 6M-8.602, F.A.C.

<sup>35</sup> Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 46 (last visited Mar. 19, 2021).

***Kindergarten Readiness Rate***

The OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the annual screening.<sup>36</sup> The readiness rates are expressed as the percentage of children whose scores demonstrate readiness for kindergarten.<sup>37</sup> The methodology for calculating the readiness rate must include student learning gains, when available, based on a VPK preassessment and postassessment, known as the “Florida VPK Assessment.” The OEL must determine learning gains using a value-added measure based on growth demonstrated by the results of the Florida VPK Assessment from at least two successive years of administration.<sup>38</sup>

Beginning in January 2021, and continuing through the 2021-2022 school year, the DOE launched a VPK progress monitoring pilot program by permitting up to 1,900 VPK providers to administer the assessment used for the statewide kindergarten screening. The DOE allocated \$2.9 million from the CARES Act funds for the program.<sup>39</sup>

The DOE allocated \$18 million of the Child Care Development and Block Grant Fund from the CARES Act to implement summer programs for rising kindergarten students identified with limited language and emergent literacy skills as determined by the VPK assessments and teacher recommendations.<sup>40</sup>

***VPK Provider Probation and Corrective Action***

At least 60 percent of a VPK provider’s students must meet the “ready for kindergarten” score on the screening in order for the provider to avoid probationary status.<sup>41</sup> Providers that do not meet the minimum readiness rate are placed on probation. An ELC or school district must require a VPK provider that falls below the minimum kindergarten readiness rate to:

- Submit for approval and implement an improvement plan;
- Place the provide or school on probation; and
- Take certain corrective actions, including the use of an OEL-approved curriculum or an OEL approved staff development plan to strengthen instruction in language development and phonological awareness.<sup>42</sup>

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<sup>36</sup> Rule 6M-8.601(3)(b), F.A.C.

<sup>37</sup> Sections 1002.69(5)-(6), F.S.; To be considered “ready for kindergarten,” a student must achieve a score of 500 or higher on the Star Early Literacy assessment. Rule 6M-8.601, F.A.C.

<sup>38</sup> Section 1002.69(5), F.S.; Rule 6A-1.09433(1)(b), F.A.C and Rule 6M-8.601(3)(b), F.A.C.

<sup>39</sup> Florida Department of Education, *Progress Monitoring: Building Effective, Data-Informed Strategies to Close Achievement Gaps* (Nov. 18, 2020), available at <https://www.fldoe.org/core/fileparse.php/19925/urlt/2-3.pdf> at 6, (last visited Mar. 13, 2021).

<sup>40</sup> Florida Department of Education, *Reopening Florida’s Schools and the CARES Act*, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf> at 98, (last visited Mar. 13, 2021).

<sup>41</sup> *Id.*

<sup>42</sup> Section 1002.67(4), F.S.

Out of 126,238 students who completed the VPK program, 63 percent were “ready for kindergarten” in the fall of 2019. Of 6,611 rated VPK providers, 2,175 failed to meet the minimum rate. Of these 2,175 providers, 2,201 remained on probation.<sup>43</sup>

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for 5 years; unless the provider receives from the OEL a good cause exemption.<sup>44</sup>

### ***Good Cause Exemption***

A VPK provider on probation and failing to meet the minimum readiness rate for two consecutive years must be removed from eligibility to provide the VPK program for 5 years; unless the provider receives a good cause exemption. A VPK provider must submit a request for a good cause exemption to OEL for review and approval. The request must include:

- Data which documents student achievement and learning gains, as measured by a state-approved pre- and post-assessment.
- Data available from the respective ELC or district school board, the DCF, local licensing authority, or an accrediting association, as applicable, relating to the provider’s compliance with state and local health and safety standards.
- Data available to the OEL on the performance of the children served and the calculation of the provider’s kindergarten readiness rate.<sup>45</sup>

A VPK provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten readiness rate. The OEL must notify the applicable ELC of the good cause exemption, which remains valid for one year, and may be renewed upon request by the VPK provider.<sup>46</sup>

A good cause exemption may not be granted to any VPK provider that has any class I violations or two or more class II violations within the two years preceding the provider’s request for an exemption.<sup>47</sup> Additionally, if a provider refuses to comply with program requirements or engages in misconduct, the OEL must require the ELC or district school board to remove the provider from eligibility to deliver the VPK program for a period of five years.<sup>48</sup>

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<sup>43</sup> Florida Office of Early Learning, *2019-20 Annual Report*, available at

[http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 46 (last visited Mar. 19, 2021).

<sup>44</sup> Section 1002.67(4)(c)3., F.S. A VPK provider must submit a request for a good cause exemption to the OEL for review and approval and include specified data. Section 1002.69(7)(b)-(c), F.S. A VPK provider that receives a good cause exemption must continue to implement its improvement plan and take corrective actions until the provider meets the minimum kindergarten readiness rate. Sections 1002.69(7)(e) and 1002.67(3)(c)2., F.S.

<sup>45</sup> Section 1002.69(4)(c)3. and (7)(b)-(c), F.S.

<sup>46</sup> Sections 1002.69(7) and 1002.67(3)(c)2., F.S.

<sup>47</sup> Section 1002.69(7)(d), F.S. DCF classifies licensing violations as class I, II, and III violations. Class I violations consist of conduct posing an imminent threat to a child. Class II violations pose a threat to the health, safety or well-being of a child, although the threat is not imminent. Rule 65C-22.010(1)(d), F.A.C.

<sup>48</sup> Section 1002.67(4)(b), F.S.

## **The School Readiness Program**

The school readiness program provides subsidies for child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.<sup>49</sup> The school readiness program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.<sup>50</sup> To participate in the school readiness program, a provider must execute a school readiness contract.<sup>51</sup> During the 2019-2020 academic year, 6,932 school readiness providers served 211,711 children enrolled in a school readiness program.<sup>52</sup>

### ***Program Assessment***

The OEL is required to adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to five years.<sup>53</sup> The OEL has selected the Teachstone Classroom Assessment Scoring System (CLASS) Assessment Tool as the program assessment, with the associated requirements for observations and observers provided in the Program Assessment Requirements Handbook.<sup>54</sup> CLASS observations must be conducted annually by observers who must be certified for the age group of the classroom being observed. Certification is achieved by completing and passing all trainings and assessments required by Teachstone to conduct a CLASS observation, only ELC staff, OEL vendors, or ELC designees may conduct an observation.<sup>55</sup>

All school readiness providers must receive an annual program assessment and meet the required minimum program assessment composite score prior to executing a school readiness contract.<sup>56</sup> No providers failed to earn the minimum program assessment score for eligibility to contract to deliver the school readiness program for the 2019-2020 program year.<sup>57</sup>

The OEL has adopted a differential payment program based on quality measures of school readiness providers.<sup>58</sup> The differential payment may not exceed a total of 15 percent for each care level and unit of child care for a child care provider. No more than five percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the

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<sup>49</sup> Section 1002.87, F.S.

<sup>50</sup> Section 1002.86, F.S.

<sup>51</sup> Rule 6M-4.610, F.A.C. Form OEL-SR 20, *Statewide School Readiness Provider Contract*, available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/images/FormOEL-SR20StatewideSRProviderContract\\_7-8-20\\_ADA\\_final.pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/images/FormOEL-SR20StatewideSRProviderContract_7-8-20_ADA_final.pdf).

<sup>52</sup> Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 20 (last visited Mar. 19, 2021).

<sup>53</sup> Section 1002.82(2)(n), F.S.

<sup>54</sup> See Form OEL-SR 740, *incorporated by reference in rule 6M-4.740, F.A.C.*; Florida's Office of Early Learning, *Classroom Assessment Scoring System* (2018), available at [http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/CLASS%20FAQ\\_ADA.pdf](http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/CLASS%20FAQ_ADA.pdf).

<sup>55</sup> See Form OEL-SR 740 at 1, *incorporated by reference in rule 6M-4.740, F.A.C.*

<sup>56</sup> Rule 6M-4.741, F.A.C.

<sup>57</sup> Email, Florida Department of Education (Dec. 15, 2020) (on file with the Senate Committee on Education).

<sup>58</sup> Rule 6M-4.500, F.A.C.



statewide information system in the domains of language and executive functioning using a child assessment. Providers who fail to attain a minimum composite score on the program assessment are ineligible for a differential payment.<sup>59</sup>

### ***School Readiness Funding***

Funding for the school readiness program is allocated among the ELCs according to law and the General Appropriations Act.<sup>60</sup> The school readiness program is funded primarily by the CCDF block grant.<sup>61</sup> States administering funds from the CCDF are required to conduct a statistically valid and reliable survey of the market rates for child care services or an alternative methodology, such as a cost estimation model, that has been pre-approved by the U.S. Administration for Children and Families (ACF) and approved by the lead state agency.<sup>62</sup>

Many child care providers report that they are unable to set published prices that reflect the full cost of providing quality services because parents would be unable to pay these prices. As a result, the published prices reflected in market rate surveys are not always adequate to cover providers' full costs, particularly for high-quality care. A cost estimation model is an alternative methodology that accounts for key factors in determining the payment schedule. Key factors account for costs that vary across submarkets, such as age and sparsity, and include, for example:

- Staff salaries and benefits.
- Training and professional development
- Curricula and supplies
- Group size of children and staff-child ratios
- Enrollment levels.
- Program size.
- Facility costs.<sup>63</sup>

State, federal, and local matching funds provided to an ELC for purposes of the school readiness program must be used for implementation of its approved school readiness program plan, including the hiring of staff to effectively operate the school readiness program.<sup>64</sup>

For Fiscal Year 2020-2021, a total of \$895.9 million was appropriated for the school readiness program from state and federal funds.<sup>65</sup>

### ***Contracted Slots***

The OEL is required to adopt a standard statewide provider contract to be used with each school readiness program provider. The standard statewide contract must include minimum statutory

<sup>59</sup> Section 1002.82(2)(o), F.S.

<sup>60</sup> Section 1002.89(1), F.S.

<sup>61</sup> The Office of Early Learning, *2019-2021 Child Care Development Fund State Plan*, [http://www.floridaearlylearning.com/oel\\_resources/ccdf\\_plan.aspx](http://www.floridaearlylearning.com/oel_resources/ccdf_plan.aspx) (last visited Mar. 19, 2021).

<sup>62</sup> 45 C.F.R. s. 98.45.

<sup>63</sup> U.S. Office of Child Care, Early Childhood Training and Technical Assistance System, *Market Rates and Costs*, available at [https://childcareta.acf.hhs.gov/ccdf-fundamentals/occ-approved-alternative-methodology#\\_ednref2](https://childcareta.acf.hhs.gov/ccdf-fundamentals/occ-approved-alternative-methodology#_ednref2) (last visited Apr. 8, 2021).

<sup>64</sup> Section 1002.89(5), F.S.

<sup>65</sup> Specific Appropriation 85, s. 2, ch. 2020-111, L.O.F.

requirements, such as contracted slots and provisions for provider probation and termination.<sup>66</sup> A school readiness child care slot is the number of school readiness paid child care slots filled during a month of service.<sup>67</sup> The standard statewide provider contract provides an option for school readiness providers to participate in a Contracted Slots Program whereby a provider agrees to reserve a specified number of slots determined necessary by the ELC in return for a higher reimbursement rate.<sup>68</sup>

If an ELC participates in the Contracted Slots Program, and the ELC determines a provider is eligible for the program, then the coalition may reimburse the provider up to ten percent above the 75th percentile of the market rate.<sup>69</sup>

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

The DCF is responsible for enforcing compliance with licensing standards by child care facilities, including large family child care homes and family day care homes.<sup>70</sup>

The DCF also adopts rules to administer the Gold Seal Quality Care Program (GSQC Program).<sup>71</sup> A GSQC designation entitles a school readiness provider to a rate differential at 20 percent above the ELC's approved reimbursement rate.<sup>72</sup> The law disqualifies child care facilities from accreditation if they receive a specified maximum number of Class I, II, or III violations within the two-year period preceding the application for accreditation.<sup>73</sup>

Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys purchased by a licensed child care facility that meets minimum statutory standards, holds a current GSQC designation, and provides basic health insurance to all employees are exempt from sales, rental, use, consumption, distribution, and storage tax.<sup>74</sup> A licensed or legally exempt child care facility that achieves GSQC status is an educational institution exempt from ad valorem tax.<sup>75</sup>

Currently, 1,883 child care facilities, large family child care homes, and family day care homes possess a GSQC designation.<sup>76</sup>

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<sup>66</sup> Section 1002.82(2)(m), F.S.

<sup>67</sup> Rule 6M-4.740, F.A.C.

<sup>68</sup> Rule 6M-4.610, F.A.C., Form OEL-SR 20 (July 2019).

<sup>69</sup> Rule 6M-4.500, F.A.C.

<sup>70</sup> Section 402.305, F.S. Certain child care facilities which are an integral part of a church or specified parochial school are exempt from licensing standards. Section 402.316, F.S.

<sup>71</sup> Section 402.281, F.S.

<sup>72</sup> Rule 6M-4.500, F.A.C.

<sup>73</sup> Section 402.281, F.S. DCF rules governing child care facilities define Class I, II, and III violations, which are designated in ascending order of severity, for noncompliance with minimum licensing standards of child care facilities. Rule 65C-20.012, F.A.C.

<sup>74</sup> Section 212.08, F.S.

<sup>75</sup> Section 402.26, F.S.

<sup>76</sup> Florida Department of Children and Families, *Gold Seal Quality Care Summary and Detail Data* (Dec. 2020), available at <https://www.myflfamilies.com/service-programs/child-care/docs/gold-seal/Summary%20Dec%202020.pdf>.



***Market Rate***

The OEL is required to establish procedures for the adoption of a market rate schedule for the school readiness program. The schedule must include, at a minimum, county-by-county rates, differentiated by type of child care provider and the type of child care services provided. Rates must be differentiated for the types of providers by:

- The minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care (GSQC) designation.
- Child care providers that do not hold a GSQC designation.
- Licensed child care facilities.
- Public or nonpublic schools exempt from licensure.
- Faith-based child care facilities exempt from licensure.
- Licensed large family child care homes.
- Licensed or registered family day care homes.<sup>77</sup>

The market rate schedule must also differentiate rate by the type of child care services provided, including services provided for:

- Children with special needs or risk categories.
- Infants, toddlers, preschool-age children, and school-age children.
- Full-time and part-time child care.<sup>78</sup>

Reimbursement rates for school readiness providers are paid based on a child's care level and unit of care as defined by the ELC's approved provider rate schedule for the county in which the provider's facility is located.<sup>79</sup> ELCs are required to consider the market rate schedule in the adoption of a payment schedule.

The payment schedule must consider the average market rate, include the projected number of children to be served, and be submitted for approval by the OEL. Informal child care arrangements may be reimbursed at no more than 50 percent of the rate adopted for a family day care home.<sup>80</sup>

The 2019 market rate report includes a state summary that reflects market rates by provider type and service type. For example, the average market rate in the state for GSQC designated private child care centers was \$42.01 for services provided to infants. The 75<sup>th</sup> percentile rate for the same services was \$48.26. The reimbursement rate for GSQC designated private centers was \$36.00. For private centers without a GSQC designation, the average market rate was \$36.71 for services provided to infants, and the 75<sup>th</sup> percentile rate was \$40.00, and the reimbursement rate was \$30.00.<sup>81</sup>

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<sup>77</sup> Section 1002.895, F.S.

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

<sup>79</sup> Rule 6M-4.500, F.A.C.

<sup>80</sup> Section 1002.895, F.S.

<sup>81</sup> Office of Early Learning, *2019 Market Rate Report: State Summary*, available at

<http://www.floridaeearlylearning.com/Content/Uploads/floridaeearlylearning.com/files/Market%20Rate%20FY1920%20Report%20Full%20Time%20Statewide%20Summary-ADA-Final.pdf>.

### **Research-Based Reading Allocation**

The state allocates funding to school districts for research-based reading instruction to students in kindergarten through grade 12.<sup>82</sup> Funds must be used to provide a system of comprehensive reading instruction to students enrolled in kindergarten through grade 12, including:<sup>83</sup>

- An additional hour of intensive reading instruction beyond the normal school day for students in the 300 lowest-performing elementary schools.
- Reading intervention teachers and reading coaches.
- Professional development for teachers to earn a certification or an endorsement in reading.
- Summer reading camps for students in kindergarten through grade 5 who exhibit certain reading deficiencies, depending on grade level.<sup>84</sup>
- Supplemental instructional materials that are grounded in scientifically based reading research as identified by the Just Read, Florida! Office (JRFO).
- Intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized ELA assessment.

District school boards must develop reading plans which detail the specific uses of the research-based reading instruction allocation. The plans must be annually submitted to the DOE for approval and provide for intensive reading interventions through integrated curricula that incorporate strategies identified by the JRFO and are delivered by a teacher who is certified or endorsed in reading. The DOE monitors and tracks the implementation of each district plan and collects specific data on expenditures and reading improvement results. By February 1 of each year, the DOE reports its findings to the Legislature.<sup>85</sup>

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

The bill expands accountability and assessment requirements for Voluntary Prekindergarten Education Program (VPK) providers. Specifically, the bill requires:

- A coordinated screening and progress monitoring program (CSPM) for students in VPK through grade 3 to provide information on students' progress in mastering the appropriate grade-level standards to parents, teachers, and school and program administrators.
- Beginning in the 2022-2023 program year, a program assessment composite score for each VPK provider based on the results of a program assessment that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages 3 to 5 years, in each VPK classroom.
- A performance metric that provides a score to each VPK provider based on the results of the CSPM, including learning gains, and the program assessment, beginning in the 2022-2023 program year.

<sup>82</sup> Section 1011.62(9), F.S. The state appropriated \$130 million to school districts for the research-based reading instruction allocation for the 2020-2021 fiscal year. Specific Appropriations 8 and 92, s. 2, ch. 2020-111, L.O.F.

<sup>83</sup> Section 1011.62(9)(c), F.S.

<sup>84</sup> All students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment. Section 1011.62(9)(c)5., F.S.

<sup>85</sup> Section 1011.62(9)(d)1., F.S.

- The assignment of a performance designation for VPK providers beginning with the 2023-2024 program year.

The bill creates the Council for Early Grade Success within the Department of Education (DOE) to oversee the CSPM and requires the new screenings and assessments to be administered by qualified individuals.

The bill modifies the market rate schedule paid to school readiness providers to require a market rate schedule based on the prevailing market rate. The bill authorizes early learning coalitions to adopt an alternative payment schedule that has been approved by the federal Administration for Children and Families. The bill also transfers the Gold Seal Quality Care program to the Office of Early Learning (OEL) from the Department of Children and Families and adds standards for accrediting associations.

### Early Learning Coalitions

The bill makes early learning coalitions (ELCs) responsible for ensuring that public schools delivering the VPK program comply with VPK program requirements. The bill also requires ELCs to be evaluated on performance through deployment of customer service surveys.

Specifically, the bill:

- Requires the results of the customer service surveys of ELCs to be based on a statistically significant sample size and calculated annually for each ELC and included in the DOE's annual report.
- Requires the OEL, beginning in 2023-2024 fiscal year, to place an ELC on a one-year corrective action plan if its customer satisfaction survey results fall below 60 percent, and authorizes the OEL to remove the ELC's eligibility, contract out, or merge the ELC to administer early learning programs if the ELC does not improve through corrective action.
- Requires the DOE to adopt procedures for merging ELCs for failure to meet the requirements for delivering early learning programs, including procedures for the consolidation of merging coalitions that minimizes duplication of programs and services due to the merger, and for the early termination of the terms of the coalition members which are necessary to accomplish the mergers.

The bill also modifies the membership requirements of ELCs. Specifically, the bill:

- Removes the requirement that ELCs appoint a central agency administrator, where applicable.
- Authorizes, in the absence of a governor-appointed chair, the commissioner to appoint an interim chair from the current ELC board membership.
- Adds to the requirement of existing law that each ELC include a children's services council or juvenile welfare board chair or executive director to additionally require that each ELC must include a children's services council or juvenile welfare board chair or executive director from each county within the ELC's jurisdiction.
- Clarifies that a Department of Children and Families (DCF) child care regulation representative may serve as an alternative to the required member who also serves as an agency head.

- Authorizes an ELC to request an alternate ELC member who meets the same qualifications or membership requirements of a member who the ELC determines is not participating.
- Authorizes ELCs to appoint additional members who are independent private sector business members.
- Requires each ELC to complete an annual evaluation of the ELC's executive director or chief executive officer on forms adopted by the DOE. The annual evaluation must be submitted to the commissioner by June 30 of each year.

### **The Voluntary Prekindergarten Education Program**

The bill modifies performance standards for VPK providers, instructors, and students. The bill requires VPK providers to comply with the Florida Civil Rights Act of 1992. The bill also adds to the list of eligible VPK providers:

- A nationally accredited child development program operating on a certified military installation, which may also demonstrate required liability coverage by affirming that it is subject to jurisdiction under the federal Tort Claims Act.<sup>86</sup>
- A private prekindergarten provider with a provisional child care facility license.

### ***VPK Instructor Requirements***

The bill modifies requirements for VPK instructors and administrators by adding to the requirement that school districts give priority to teachers who have experience or coursework in early childhood education that the teachers must also have completed emergent literacy and performance standards courses. The bill also provides that:

- A VPK instructor in a class of 11 or less children must complete two additional emergent literacy training courses, for a total of three, and adds that they must include developmentally appropriate and experiential learning practices for children.
- Completion of the course must be part of the informal early learning career pathway and be available online or in person.
- A prekindergarten director credential must include training in the implementation of curriculum and usage of student level data to inform the delivery of instruction.
- The possession of a child care facility director credential completed before the later of the establishment of the prekindergarten director credential or July 1, 2006, no longer satisfies the requirement that a private VPK provider have a prekindergarten director who has a prekindergarten director credential.
- A certificate in educational leadership issued by the OEL to a private school administrator satisfies the requirement for a prekindergarten director credential.
- VPK curricula must support student learning gains through differentiated instruction as measured by the CSPM.

The bill modifies requirements for professional development training courses to require the DOE to make professional development courses available that train prekindergarten instructors and increase the competency of teacher-child interactions. Each course must be comprised of at least eight clock hours and be available online.

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<sup>86</sup> 28 U.S.C. s. 2671.

***VPK Performance Standards***

The bill modifies the performance standards for students in the VPK program and adds mathematical thinking and early math skills to the list of student skills required to be addressed in performance standards adopted by the OEL for the VPK program. The bill also:

- Adds early math skills to the required curricula of a VPK provider and the training courses that the OEL must adopt procedures for approving.
- Removes the requirement that performance standards be tied to the statewide kindergarten screening.
- Modifies the existing requirement that the OEL periodically review and revise the performance standards to require the OEL to review and revise the standards at least once every three years.

The bill repeals the existing statewide kindergarten readiness screening, but requires public schools to administer a statewide kindergarten screening in the 2021-2022 academic year within the first 30 school days and authorizes private schools to administer the statewide kindergarten screening.

***Coordinated Screening and Progress Monitoring***

The bill requires the Commissioner of Education (commissioner) to design a statewide, standardized CSPM to assess early literacy, dyslexia, and mathematics skills, and the English Language Arts and mathematics standards established in law.

Beginning in the 2022-2023 academic year, the bill requires all VPK and public school kindergarten students to participate in the CSPM within the first 30 days of enrollment, midyear, and within the last 30 days of the school year. The bill requires each parent who enrolls a child in VPK to allow the child to participate in the CSPM.

The bill establishes the purposes of the CSPM. Specifically, the bill requires the CSPM to:

- Provide interval level and norm-referenced data that measures equivalent levels of growth;
- Be a developmentally appropriate, valid and reliable direct assessment;
- Be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or other developmental delays;
- Accurately measure the core content in the applicable grade level standards;
- Document learning gains for the achievement of these standards; and
- Provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication.

The bill provides requirements for the use of data obtained from the administration of the CSPM. Specifically, the bill provides that the data from the CSPM must be used by VPK providers and school districts to improve instruction. The data must also be used by teachers to guide learning objectives and provide timely and appropriate supports and interventions to students not meeting grade level expectations.

The bill requires the results of the CSPM to be reported to the DOE for inclusion in the educational data warehouse and requires the OEL to use the data to:

- Identify student learning gains;
- Index development learning outcomes upon program completion relative to performance standards and representative norms; and
- Inform a provider's performance metric.

The bill requires each VPK provider and public school to provide parents with screening or progress monitoring results within seven days.

#### Research-Based Reading Allocation

The bill requires any VPK student with a substantial early literacy deficiency to be referred to the local school district. The local school district may provide the student intensive reading intervention using the research-based reading allocation before the student's participation in kindergarten. The bill also requires ELCs and school district representatives to meet annually to develop strategies to transition students from VPK to kindergarten.

The bill modifies the research-based reading instruction allocation to require intensive reading instruction provided under the allocation to be evidence-based and supplemental instructional materials to be scientifically-researched and evidence-based. The bill defines "evidence-based" as demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes.

#### Council for Early Grade Success

The bill creates the Council for Early Grade Success (Council) and requires the commissioner to coordinate with the Council to develop a plan for implementation of the CSPM in consideration of the timelines for implementing new early literacy and mathematics skills and the English Language Arts and mathematics standards and the VPK program standards. The bill requires the commissioner to provide data, reports, and information as requested to the Council. The bill also provides that the Council be composed of 17 members, who must all be residents of the state, and include:

- Three members appointed by the Governor, to include:
  - One representative from the DOE.
  - One parent of a child who is four to nine years of age.
  - One representative who is a school principal.
- Seven members appointed jointly by the President of the Senate, as follows:
  - One senator who serves at the pleasure of the President of the Senate.
  - One representative of an urban school district.
  - One representative of a rural early learning coalition.
  - One representative of a faith-based early learning provider that offers the Voluntary Prekindergarten Education Program.
  - One representative who is a second grade teacher with at least 5 years of teaching experience.
  - Two representatives with subject matter expertise in early learning, early grade success, or child assessments.

- Seven members appointed by the Speaker of the House of Representatives, as follows:
  - One member of the House of Representatives who serves at the pleasure of the Speaker of the House.
  - One representative of a rural school district.
  - One representative of an urban early learning coalition.
  - One representative of an early learning provider that offers the Voluntary Prekindergarten Education Program.
  - One member who is a kindergarten teacher with at least 5 years of teaching experience.
  - Two representatives with subject matter expertise in early learning, early grade success, or child assessment.

The bill requires the Council to elect a chair and vice chair. The chair must be one of the four members with subject matter expertise and the vice chair must be a member appointed by the President of the Senate and Speaker of the House. The bill requires the Council to meet at least bi-annually in person or by teleconference to:

- Review the implementation of, training for, and outcomes of the CSPM and provide recommendations to the DOE to support grade-level reading by grade three.
- Identify appropriate personnel, processes, and procedures for administration of the CSPM.
- Continually review data and inform the DOE on recommendations to achieve grade level proficiency by grade three.
- Make recommendations to the DOE regarding the:
  - Methodology for calculating the performance metric and grading system for VPK providers.
  - Methodology for determining kindergarten readiness.
  - Age-appropriate learning gains by grade level required to demonstrate proficiency by grade 3.

### ***Performance Metric***

The bill requires the OEL to adopt a performance metric to measure the effectiveness of a VPK provider. For the 2020-2021 program year, the OEL must calculate the kindergarten readiness rate for each VPK provider based upon learning gains and the percentage of students who are assessed as ready for kindergarten.

The OEL must adopt a methodology for the performance metric beginning in the 2022-2023 program year. The performance metric must include:

- Program assessment composite scores weighted at no less than 50 percent.
- Learning gains from the initial and final progress monitoring results. The learning gains must be determined using a value-added measure based on growth demonstrated by the results of the pre-and post-assessment in use before the 2021-2022 program year.
- Norm-referenced developmental learning outcomes.

The bill requires the methodology for calculating the performance metric to include only prekindergarten students who have attended at least 85 percent of a VPK provider's program as opposed to the current 75 percent attendance rate required for inclusion in the kindergarten readiness rate.

The methodology must also include a statistical latent profile analysis that has been conducted by an expert. The bill requires the contracted expert to:

- Have experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems.
- Produce an analysis that includes a limited number of program performance metric profiles that summarize all programs' profiles that inform the assignment of designations of "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology determined by the OEL, which may not include letter grades. The designation must be displayed as associated with delivery of the VPK program in the provider's performance profile and accessible through the CCR&R.
- Confer with the Council in the development of the methodology.
- Also develop a methodology for determining a student's readiness for kindergarten that must be assessed by the CSPM.
- Not have had a stake or financial interest in the design or delivery of the VPK program or public school system within the last five years.

Beginning in the 2023-2024 academic year, the OEL must calculate each VPK provider's performance metric and designation within 45 days of the conclusion of the delivered school year or summer program.

The bill specifies that the grading system adopted by the OEL must provide for a differential payment to VPK providers based on program performance, and subject to appropriation. The maximum differential payment may not exceed 15 percent of the base student allocation per full-time equivalent student. A VPK provider may not receive a differential payment if it is assigned a designation of "proficient" or below.

The bill adds the performance metric of a VPK provider to the information that the OEL must publish and provide to each parent enrolling a child in the VPK program.

### ***Probation***

The bill specifies that a designation of "proficient" or better demonstrate satisfactory delivery of the VPK program. A provider who fails to meet the minimum kindergarten readiness rate for the 2020-2021 program year must be placed on probation. If a VPK provider fails to meet the minimum program assessment composite score, the provider may not participate in the VPK program until the provider meets the minimum composite score for contracting. The bill authorizes VPK providers to request an additional program assessment in order to requalify for the same program year.

If a VPK provider fails to meet the minimum performance metric or designation, the bill requires the applicable ELC to place the VPK provider on probation and requires the provider to:

- Submit an improvement plan for approval by the ELC and implement the plan; and
- Implement a curriculum approved by the OEL; or
- Implement a staff development plan to strengthen instructional practices in emotional support, classroom organization, instructional support, language development, phonological awareness, alphabet knowledge, and mathematical thinking.



The probation period lasts until the VPK provider attains the minimum required performance metric or grade. The bill requires an annual notification by the OEL to any providers who have been placed on probation and continue to fail to meet the minimum performance metric. The failure to comply with the probation or attain the minimum performance metric after two years of probation must result in the VPK provider's suspension from the program for a period of two to five years, as determined by the applicable ELC.

The bill also prohibits a VPK provider from delivering the VPK program if the provider's license has been converted to a probation-status license by the DCF.

### ***Good Cause Exemption***

The bill authorizes the OEL to grant a VPK provider a good cause exemption from being determined ineligible to deliver the VPK program and receive state funds for the program. The exemption is valid for one year and is renewable. A request for a good cause exemption must include data from:

- The VPK provider which documents the achievement and progress of the children served, as measured by any required screenings or assessments.
- Program assessments which demonstrates effective teaching practices as recognized by the tool developer.
- The ELC or district school board, the DCF, or the local licensing authority reflecting compliance with state and local health and safety standards.

The bill requires the DOE to adopt criteria to consider when determining whether to grant a request for an exemption. The criteria must include:

- Child demographic data that evidences a VPK provider serves a statistically significant population of children with special needs who have individual education plans and can demonstrate progress toward meeting the goals outlined in the student's individual education plans.
- Learning gains of children served in the VPK program on an alternative measure that has comparable validity and reliability of the screening and progress monitoring program.
- Program assessment data which demonstrates effective teaching practices as recognized by the contracted expert.
- Verification that local and state health and safety requirements are met.

The bill prohibits the OEL from granting a good cause exemption to any VPK provider that has any class I violations involving an imminent threat to the health, safety, or welfare of a student or two or more class II<sup>87</sup> violations involving an unreasonable risk to the health, safety, or welfare of a student within the two years preceding the provider's request for an exemption. The DOE is required to inform the applicable ELC if an exemption is granted to a VPK provider that remains on probation for two consecutive years.

The bill requires each ELC to verify VPK provider compliance with the statutory requirements for delivering the VPK. The OEL must require each applicable ELC to suspend a provider who

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<sup>87</sup> Class I and Class II violations are defined in s. 402.281(4), F.S.

refuses to comply with VPK requirements or commits misconduct. The ELC must suspend the provider's eligibility to provide VPK for a period of two to five years.

The bill incorporates the number of good cause exemptions and justifications into the annual reporting requirements of the OEL.

The bill provides additional transparency of VPK and School Readiness program providers by requiring the following additional information be accessible through the CCR&R:

- Whether the provider participates in the Child Care Food Program.
- A link to licensing inspection reports.
- A VPK provider's performance metric, including its program assessment composite score, learning gains score, achievement score, and its designations.
- A School Readiness provider's program assessment composite score, including care-level composite scores delineated by infant, toddler, and preschool classrooms.
- Whether a School Readiness program participates in child observation assessments.
- Whether the provider holds a GSQC designation.
- Whether the provider implements an OEL-approved curriculum and the name of the curriculum.

### **The School Readiness Program**

The bill modifies requirements for regulating the school readiness program. Specifically, the bill:

- Modifies the requirement that the OEL adopt rules for ELCs in the implementation of statewide procedures. The bill instead requires the OEL to provide technical support to ELCs to facilitate the use of a standard statewide provider contract adopted by the OEL.
- Requires the OEL to monitor the alignment and consistency of the standards and benchmarks that address the age-appropriate progress of children in the development of school readiness skills. This requirement modifies existing law which only requires the OEL to develop and adopt the standards and benchmarks.
- Requires the minimum program assessment composite score adopted by the OEL to align with the minimum program assessment composite score for VPK providers and requires the independent expert who conducted the statistical latent profile analysis for the methodology for calculation of the performance metric for VPK providers to review the minimum program assessment composite score.
- Requires the OEL to evaluate ELCs in the administration of school readiness programs at least biennially.

The bill modifies requirements for school readiness providers. Specifically, the bill:

- Exempts a qualified provider at a military installation from child care facility licensing requirements, health and safety and immunization requirements, and liability coverage requirements.
- Authorizes provisionally licensed child care facilities or homes to deliver the school readiness program.
- Prohibits a child care facility or home from delivering the school readiness program while its license is on a probation status.

- Provides that the OEL and the ELCs may not require a school readiness provider to administer a VPK program assessment.
- Clarifies that a contract with a qualified entity to administer a regional school readiness program in the place of a noncompliant ELC lasts until the OEL reestablishes or merges the ELC and a new school readiness plan is approved.
- Adds a parent's participation in an Early Head Start or Head Start Program to the list of circumstances that qualify for waiver of a school readiness program copayment.

### ***Market Rate***

The bill modifies the market rate to be paid to school readiness providers by the OEL. Specifically, the bill:

- Redefines the average market rate as the “prevailing market rate” to mean the biennially determined 75<sup>th</sup> percentile of a reasonable frequency distribution of the market rate by program level and provider type in a geographical market at which child care providers charge a person for child care services.
- Modifies the requirement that the market rate include minimum and maximum rates for GSQC providers to clarify that the GSQC providers included in the determination of rates must also adhere to the teacher to child ratios and group size requirements of their respective accrediting associations.
- Clarifies that the payment schedule must account for the prevailing market rate and the projected number of children served in each county.
- Removes the requirement for each ELC to consider the market rate schedule.
- Removes the requirement that informal child care arrangements be reimbursed at 50 percent or less than the rate adopted for a family day care home.
- Authorizes the OEL to establish, and ELCs to adopt, an alternative model for determining payments to providers for delivering the school readiness program.

### ***Contracted Slots***

The bill requires, by July 1, 2022, the OEL to develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by being located in an area that has been designated as a poverty area tract according to the latest census data.

The bill also provides that the contracted slot program may be used to increase the availability of child care capacity based on the assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.

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

The bill provides for a type two transfer<sup>88</sup> of the GSQC program from the DCF to the OEL and requires the OEL to adopt rules establishing GSQC accreditation standards using nationally recognized accrediting standards as well as input from accrediting associations. The bill requires the OEL to adopt rules to provide criteria for reviewing and approving accrediting associations

<sup>88</sup> A program transferred by a type two transfer has all its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred. Section 20.06, F.S.

and for conferring and revoking GSQC status. The transfer of power includes only contracts that were in existence prior to July 1, 2020.

The bill codifies and specifies standards for approval of accrediting associations by the DOE for participation in the GSQC Program. In order to be approved by the DOE, an accrediting association must apply to the DOE and demonstrate that it is operational and:

- Is a recognized accrediting association.<sup>89</sup>
- Meets or exceeds State Board of Education (SBE) standards.<sup>90</sup>
- Is a registered corporation with the Department of State.
- Accreditation requirements that include clearly defined accreditation prerequisites and procedures for:
  - Completion of a self-study and comprehensive onsite verification for each classroom that documents compliance with standards.
  - Training for accreditation verifiers to ensure inter-rater reliability.
  - Ongoing compliance to include the filing of an annual report with the accrediting association;
  - Renewal requiring onsite verification at least every five years.
  - Verifying compliance upon transfer of ownership.
  - Revoking accreditation.
  - Communicating issues to state agencies with oversight.

The bill requires the OEL to review and recommend to the SBE the termination of an accrediting association that fails to cure within 30 days any deficiencies noted by the OEL in the processes and procedures submitted to and approved by the OEL. The OEL must remove a noncompliant accrediting association for a period of two to five years. The bill provides one year for a child care provider that was accredited by a noncompliant accrediting association to obtain a new accreditation from an approved accrediting association.

If a child care provider is ineligible for GSQC status because of a class I violation, the bill authorizes the OEL to recommend to the OEL to maintain the GSQC designation if the provider has been in business for five years with no other class I violations. The bill requires licensed or legally exempt child care facilities that participate in the school readiness program and achieve GSQC status to receive at least a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care. An accrediting association is liable under the bill for the repayment of any rate differentials paid to a facility as a result of a GSQC designation if the accrediting association fraudulently granted the designation.

The bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

<sup>89</sup> This is an existing statutory requirement of the DCF GSQC Program.

<sup>90</sup> This is an existing statutory requirement of the DCF GSQC Program.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

Private providers may incur costs associated with having their VPK instructors complete at least three qualifying emergent literacy training courses by July 1, 2021.

In addition, private providers may incur costs associated with computer equipment needed to administer the new coordinated screening and progress monitoring system.

**C. Government Sector Impact:**

The DOE estimated the cost at \$1.5 million per grade level to annually administer the progress monitoring assessment.<sup>91</sup> In order to administer the assessment a minimum of three times per year for grade levels PK-3, the total recurring cost is estimated to be \$22.5 million. These costs would be offset, in part, by the elimination of the current VPK assessment and kindergarten screening in fiscal year 2022-2023. To assist with the procurement of the new system and its ongoing management, the department anticipates needing one additional Program Specialist IV position, at a cost of \$87,075 annually. School districts may also incur costs associated with computer equipment needed to administer the new assessments.

The DOE estimated a cost of \$5 million to implement the VPK program assessment requirements associated with teacher training and support; technology system to capture results from CLASS observations; technology system to track data by provider and

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<sup>91</sup> E-mail from Bethany Swanson, Deputy Chief of Staff, Florida Department of Education (March 10, 2021) (on file with the Senate Appropriations Subcommittee on Education).

includes improvement plans/processes; and costs associated with conducting the observations.<sup>92</sup>

The potential impact of the requirement to provide for a differential payment to VPK providers will not be known until after new performance metrics are developed in the 2022-2023 program year. Any additional funding for this provision is subject to an appropriation.

## **VI. Technical Deficiencies:**

The bill provides that a certificate in educational leadership issued by the Office of Early Learning to a private school administrator satisfies the requirement for a prekindergarten director credential. The Department of Education, however, is the agency that issues the certificate in educational leadership.<sup>93</sup>

## **VII. Related Issues:**

None.

## **VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 39.604, 212.08, 402.26, 402.315, 1001.213, 1001.215, 1001.23, 1002.32, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.67, 1002.73, 1002.79, 1002.81, 1002.82, 1002.83, 1002.84, 1002.85, 1002.88, 1002.895, 1002.92, 1008.25, and 1011.62.

The bill repeals the following sections of the Florida Statutes: 1002.69, and 1002.75.

The bill creates the following sections of the Florida Statutes: 1002.68, and 1008.2125.

The bill transfers and renumbers section 402.281 of the Florida Statutes as section 1002.945.

## **IX. Additional Information:**

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

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

### **Recommended CS by the Appropriations Subcommittee on Education on April 8, 2021:**

The committee substitute:

- Removes provisions of the bill consolidating authority and oversight of early learning programs within the State Board of Education. However, the amendment retains the transfer from the Department of Children and Families to the Office of Early Learning (OEL) the administration of the Gold Seal Quality Care Program for child care facilities. The committee substitute also limits the transfer to contracts that were in existence before July 1, 2020. The committee substitute also:

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

<sup>93</sup> Rule 6A-4.082, F.A.C.

- Requires VPK providers to comply with the Florida Civil Rights Act of 1992 instead of the antidiscrimination requirements of 42 U.S.C. s. 2000d.
- Advances to July 1, 2021, the requirement for prekindergarten instructors to complete additional emergent literacy training courses.
- Removes the requirement for the DOE to calculate a program assessment composite score threshold for the 2021-2022 program year that VPK providers must meet. The amendment retains language that removes VPK providers from eligibility to deliver the VPK program for failing to attain the minimum program assessment composite score.
- Authorizes VPK providers to request one program assessment per program year in order to requalify for participation in the VPK program. If a VPK provider would like an additional program assessment completed within the same program year, the VPK provider will be responsible for the cost of the program assessment.
- Authorizes the OEL to establish an alternative model of payments to school readiness providers that has been approved by the Administration for Children and Families pursuant to federal law.
- Requires the OEL to establish procedures for an alternative model of calculating reimbursements to school readiness providers when an alternative model has been approved by the Administration for Children and Families pursuant to federal law.
- Requires early learning coalitions to adopt an alternative model, that has been approved by the Administration for Children and Families pursuant to federal law, for a payment schedule to school readiness providers.
- Specifies that the customer service surveys established in the bill to determine performance of early learning coalitions must be statistically valid and conducted by a state university or other independent researcher with specific expertise in customer service survey development. The committee substitute postpones from 2022-2023 to the 2023-2024 program year the deployment of the survey.
- Modifies the membership of the Council for Early Grade Success created in the bill. The amendment removes the thirteen joint appointments and requires seven appointments each from the Senate President and the House Speaker, and adds one appointment from the Governor.
- Restores the Child Care Executive Partnership Program which was repealed in the bill.
- Removes the appropriations provided for by the bill.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

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Appropriations Subcommittee on Education (Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (5) of section  
39.604, Florida Statutes, is amended to read:

39.604 Rilya Wilson Act; short title; legislative intent;  
child care; early education; preschool.—

(5) EDUCATIONAL STABILITY.—Just as educational stability is  
important for school-age children, it is also important to





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11 minimize disruptions to secure attachments and stable  
12 relationships with supportive caregivers of children from birth  
13 to school age and to ensure that these attachments are not  
14 disrupted due to placement in out-of-home care or subsequent  
15 changes in out-of-home placement.

16 (b) If it is not in the best interest of the child for him  
17 or her to remain in his or her child care or early education  
18 setting upon entry into out-of-home care, the caregiver must  
19 work with the case manager, guardian ad litem, child care and  
20 educational staff, and educational surrogate, if one has been  
21 appointed, to determine the best setting for the child. Such  
22 setting may be a child care provider that receives a Gold Seal  
23 Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a  
24 ~~provider participating in a quality rating system~~, a licensed  
25 child care provider, a public school provider, or a license-  
26 exempt child care provider, including religious-exempt and  
27 registered providers, and nonpublic schools.

28 Section 2. Paragraph (m) of subsection (5) of section  
29 212.08, Florida Statutes, is amended to read:

30 212.08 Sales, rental, use, consumption, distribution, and  
31 storage tax; specified exemptions.—The sale at retail, the  
32 rental, the use, the consumption, the distribution, and the  
33 storage to be used or consumed in this state of the following  
34 are hereby specifically exempt from the tax imposed by this  
35 chapter.

36 (5) EXEMPTIONS; ACCOUNT OF USE.—

37 (m) *Educational materials purchased by certain child care*  
38 *facilities*.—Educational materials, such as glue, paper, paints,  
39 crayons, unique craft items, scissors, books, and educational



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toys, purchased by a child care facility that meets the standards delineated in s. 402.305, is licensed under s. 402.308, holds a current Gold Seal Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health insurance to all employees are exempt from the taxes imposed by this chapter. For purposes of this paragraph, the term "basic health insurance" shall be defined and promulgated in rules developed jointly by the Office of Early Learning ~~Department of Children and Families~~, the Agency for Health Care Administration, and the Financial Services Commission.

Section 3. Subsection (6) of section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

~~(6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.~~

Section 4. Type two transfer from the Department of Children and Families.—

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Gold Seal Quality Care program within the Department of Children and Families are transferred by a type two transfer, as defined



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in s. 20.06(2), Florida Statutes, to the Office of Early Learning.

(2) Any binding contract or interagency agreement existing before July 1, 2020, between the Department of Children and Families, or an entity or agent of the department, and any other agency, entity, or person relating to the Gold Seal Quality Care program shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor entity responsible for the program, activity, or functions relative to the contract or agreement.

Section 5. Subsection (5) of section 402.315, Florida Statutes, is amended to read:

402.315 Funding; license fees.—

(5) All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.

Section 6. Subsection (4) of section 1001.213, Florida Statutes, is amended to read:

1001.213 Office of Early Learning.—There is created within the Office of Independent Education and Parental Choice the Office of Early Learning, as required under s. 20.15, which shall be administered by an executive director. The office shall be fully accountable to the Commissioner of Education but shall:

(4) In compliance with parts V and VI of chapter 1002 and its powers and duties under s. 1002.73 ~~s. 1002.75~~, administer the Voluntary Prekindergarten Education Program at the state level.



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Section 7. Subsection (7) of section 1001.215, Florida Statutes, is amended to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office is fully accountable to the Commissioner of Education and shall:

(7) Review, evaluate, and provide technical assistance to school districts' implementation of the ~~K-12~~ comprehensive reading plan required in s. 1011.62(9).

Section 8. Subsection (1) of section 1001.23, Florida Statutes, is amended to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

~~(1) Adopt the statewide kindergarten screening in accordance with s. 1002.69.~~

Section 9. Subsections (3) and (10) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.—

(3) MISSION.—The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a lab school shall embody the goals and standards established pursuant to ss. 1000.03(5) and 1001.23(1) ~~1001.23(2)~~ and shall ensure an appropriate education for its students.

(a) Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a



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lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each lab school shall provide sequential elementary and secondary instruction where appropriate. A lab school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each lab school shall develop and implement a school improvement plan pursuant to s. 1003.02(3).

(b) Research, demonstration, and evaluation conducted at a lab school may be generated by the college of education and other colleges within the university with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a lab school may be generated by the State Board of Education. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a lab school may consist of pilot projects to be generated by the affiliated college, the State Board of Education, or the Legislature.

(e) The exceptional education programs offered at a lab school shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs. The fact that a lab school offers an exceptional education program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(10) EXCEPTIONS TO LAW.—To encourage innovative practices



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and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(1) ~~s. 1001.23(2)~~, the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74.

(b) With the exception of s. 1001.42(18), s. 1001.42 shall be held in abeyance. Reference to district school boards in s. 1001.42(18) shall mean the president of the university or the president's designee.

Section 10. Subsection (5) and paragraph (c) of subsection (6) of section 1002.53, Florida Statutes, are amended, and paragraph (d) is added to subsection (6) of that section, to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where



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the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the Office of Early Learning in accordance with s. 1002.92(3). ~~The profiles must include, at a minimum, the following information about each provider and school:~~

~~(a) The provider's or school's services, curriculum, instructor credentials, and instructor to student ratio; and~~

~~(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.~~

(6)

(c) Each private prekindergarten provider and public school must comply with the Florida Civil Rights Act of 1992 in accordance with chapter 760 ~~antidiscrimination requirements of 42 U.S.C. s. 2000d, regardless of whether the provider or school receives federal financial assistance.~~ A private prekindergarten provider or public school may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the Voluntary Prekindergarten Education Program, in violation of chapter 760 ~~these antidiscrimination requirements.~~

(d) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must allow his or her child to participate in the coordinated screening and progress monitoring program under s. 1008.2125.

Section 11. Paragraphs (a), (b), (c), (g), (i), and (l) of subsection (3), subsection (4), and paragraph (b) of subsection (5) of section 1002.55, Florida Statutes, are amended, and subsection (6) is added to that section, to read:



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1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(a) The private prekindergarten provider must be a child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), ~~or~~ faith-based child care provider exempt from licensure under s. 402.316, child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense, or private prekindergarten provider issued a provisional license under s. 402.309. A private prekindergarten provider may not deliver the program while holding a probation-status license under s. 402.310.

(b) The private prekindergarten provider must:

1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before





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243 accreditation is granted;

244 2. Hold a current Gold Seal Quality Care designation under  
245 s. 1002.945 ~~s. 402.281~~; or

246 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131  
247 and demonstrate, before delivering the Voluntary Prekindergarten  
248 Education Program, as verified by the early learning coalition,  
249 that the provider meets each of the requirements of the program  
250 under this part, including, but not limited to, the requirements  
251 for credentials and background screenings of prekindergarten  
252 instructors under paragraphs (c) and (d), minimum and maximum  
253 class sizes under paragraph (f), prekindergarten director  
254 credentials under paragraph (g), and a developmentally  
255 appropriate curriculum under s. 1002.67(2)(b).

256 (c) The private prekindergarten provider must have, for  
257 each prekindergarten class of 11 children or fewer, at least one  
258 prekindergarten instructor who meets each of the following  
259 requirements:

260 1. The prekindergarten instructor must hold, at a minimum,  
261 one of the following credentials:

262 a. A child development associate credential issued by the  
263 National Credentialing Program of the Council for Professional  
264 Recognition; or

265 b. A credential approved by the Department of Children and  
266 Families as being equivalent to or greater than the credential  
267 described in sub-subparagraph a.

268  
269 The Department of Children and Families may adopt rules under  
270 ss. 120.536(1) and 120.54 which provide criteria and procedures  
271 for approving equivalent credentials under sub-subparagraph b.



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2. The prekindergarten instructor must successfully complete at least three ~~an~~ emergent literacy training courses that include developmentally appropriate and experiential learning practices for children ~~course~~ and a student performance standards training course approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.59, and be recognized as part of the informal early learning career pathway identified by the office under s. 1002.995(1)(b). The requirement for completion of the standards training course shall take effect July 1, 2021. ~~Such 2014, and the~~ course shall be available online or in person.

(g) The private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.57. A private school administrator who holds a valid certificate in educational leadership issued by the office satisfies the requirement for a prekindergarten director credential under s. 1002.57 ~~Successful completion of a child care facility director credential under s. 402.305(2)(g) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.~~

(i) The private prekindergarten provider must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that an individual who owns or operates multiple private prekindergarten sites ~~providers~~ within a coalition's service area may execute a single agreement with the coalition on behalf of each site ~~provider~~.



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(1) Notwithstanding paragraph (j), for a private prekindergarten provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), the provider must agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (j), for a child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. s. 2671 et seq.

(4) A prekindergarten instructor, in lieu of the minimum credentials ~~and courses~~ required under paragraph (3)(c), may hold one of the following educational credentials:

(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked;

(c) An associate's or higher degree in child development;

(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or



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providing child care services for children any age from birth through 8 years of age; or

(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for approving equivalent educational credentials under this paragraph.

(5)

(b) Notwithstanding any other ~~provision of~~ law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule of the Child Care Services Program Office of the Department of Children and Families, the coalition may refuse to contract with the provider.

(6) Each early learning coalition must verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. If a private prekindergarten provider fails or refuses to comply with this part or engages in misconduct, the office must require the early learning coalition to remove the provider from eligibility to deliver the program or to receive state funds under this part for a period of at least 2 years but no more than 5 years.

Section 12. Present paragraphs (b) and (c) of subsection (2) of section 1002.57, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) is added to that subsection, to read:

1002.57 Prekindergarten director credential.—

(2) The educational requirements must include training in the following:



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(b) Implementation of curriculum and usage of student-level data to inform the delivery of instruction;

Section 13. Section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for ~~one or more training~~ courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5., 402.313(6), and 402.3131(5).

(2) The office shall adopt minimum standards for ~~one or more training~~ courses on the performance standards adopted under s. 1002.67(1). Each course must comprise at least 3 clock hours, provide instruction in strategies and techniques to address age-appropriate progress of each child in attaining the standards, and be available online.

(3) The office shall make available online professional



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development and training courses consisting of at least 8 clock hours that support prekindergarten instructors in increasing the competency of teacher-child interactions.

Section 14. Present subsections (6), (7), and (8) of section 1002.61, Florida Statutes, are redesignated as subsections (7), (8), and (9), respectively, a new subsection (6) and subsection (10) are added to that section, and paragraph (b) of subsection (1), paragraph (b) of subsection (3), and subsection (4) of that section are amended, to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(1)

(b) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a private prekindergarten provider. A child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense may administer the summer prekindergarten program as a private prekindergarten provider.

(3)

(b) Each public school delivering the summer prekindergarten program must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

(4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4), each public school and private prekindergarten provider must



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have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds one of the educational credentials specified in s. 1002.55(4)(a) or (b). As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education and have completed emergent literacy and performance standards courses, as described in s. 1002.55(3)(c)2.

(6) A child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense shall comply with the requirements of a private prekindergarten provider in this section.

(10)(a) Each early learning coalition shall verify that each private prekindergarten provider and public school delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part or engages in misconduct, the office must require the early learning coalition to remove the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds under this part for a period of at least 2 years but no



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more than 5 years.

Section 15. Paragraph (b) of subsection (3) of section 1002.63, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(3)

(b) Each public school delivering the school-year prekindergarten program must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

(9) (a) Each early learning coalition shall verify that each public school delivering the Voluntary Prekindergarten Education Program within the coalition's service area complies with this part.

(b) If a public school fails or refuses to comply with this part or engages in misconduct, the office must require the early learning coalition to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds under this part for a period of at least 2 years but no more than 5 years.

Section 16. Section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards and ~~curricula and~~ ~~accountability~~.—

(1) (a) The office shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the





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age-appropriate progress of students in the development of:

1. The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; ~~and~~

2. Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development; and

3. Mathematical thinking and early math skills.

~~By October 1, 2013, the office shall examine the existing performance standards in the area of mathematical thinking and develop a plan to make appropriate professional development and training courses available to prekindergarten instructors.~~

(b) At least every 3 years, the office shall ~~periodically~~ review and, if necessary, revise the performance standards established under this section ~~for the statewide kindergarten screening administered under s. 1002.69~~ and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant to s. 1008.22.

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under s. 1002.68 ~~paragraph (4)(c).~~

(b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:

1. Be designed to prepare a student for early literacy and provide for instruction in early math skills;



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2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

3. Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program under s. 1008.2125 ~~Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.~~

(c) The office shall adopt procedures for the review and approval of ~~approve~~ curricula for use by private prekindergarten providers and public schools that are placed on probation under s. 1002.68 ~~paragraph (4) (c)~~. The office shall administer the review and approval process and maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

~~(3) (a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence-based pre- and post-assessment that has been approved by rule of the State Board of Education.~~

~~(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains which must include, but are not limited to, early literacy, numeracy, and language.~~

~~(c) The pre- and post-assessment must be administered by individuals meeting requirements established by rule of the State Board of Education.~~

~~(4) (a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary~~



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~~Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.~~

~~(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early learning coalition to remove the provider and require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of 5 years.~~

~~(c) 1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the office as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan; shall place the provider or school on probation; and shall require the provider or school to take certain corrective actions, including the use of a curriculum approved by the office under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office.~~

~~2. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 1., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by~~



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~~the office, until the provider or school meets the minimum rate adopted by the office as satisfactory under s. 1002.69(6). Failure to implement an approved improvement plan or staff development plan shall result in the termination of the provider's contract to deliver the Voluntary Prekindergarten Education Program for a period of 5 years.~~

~~3. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the office as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the office pursuant to s. 1002.69(7), the office shall require the early learning coalition or the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of 5 years.~~

~~(d) Each early learning coalition and the office shall coordinate with the Child Care Services Program Office of the Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness program under part VI of this chapter, and the licensing of providers under ss. 402.301-402.319.~~

Section 17. Section 1002.68, Florida Statutes, is created to read:

1002.68 Voluntary Prekindergarten Education Program accountability.—

(1)(a) Beginning with the 2022-2023 program year, each private prekindergarten provider and public school participating



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in the Voluntary Prekindergarten Education Program must participate in the coordinated screening and progress monitoring program in accordance with s. 1008.2125. The coordinated screening and progress monitoring program results shall be used by the office to identify student learning gains, index development learning outcomes upon program completion relative to the performance standards established under s. 1002.67 and representative norms, and inform a private prekindergarten provider's and public school's performance metric.

(b) At a minimum, the initial and final progress monitoring or screening must be administered by individuals meeting requirements adopted by the department pursuant to s. 1008.2125.

(c) Each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must provide a student's performance results from the coordinated screening and progress monitoring to the student's parents within 7 days after the administration of such coordinated screening and progress monitoring.

(2) Beginning with the 2022-2023 program year, each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must participate in a program assessment of each voluntary prekindergarten education classroom. The program assessment shall measure the quality of teacher-child interactions, including emotional support, classroom organization, and instructional support for children ages 3 to 5 years. Each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program shall receive from the office the results of the program assessment for each classroom within 14 days after



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the observation. Each early learning coalition shall be responsible for the administration of the program assessments, which must be conducted by individuals qualified to conduct program assessments under s. 1002.82(2)(n).

(3) For the 2020-2021 program year, the office shall calculate a kindergarten readiness rate for each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program based upon learning gains and the percentage of students assessed as ready for kindergarten. The department shall require that each school district administer the statewide kindergarten screening in use before the 2021-2022 school year to each kindergarten student in the school district within the first 30 school days of the 2021-2022 school year. Private schools may administer the statewide kindergarten screening to each kindergarten student in a private school who was enrolled in the Voluntary Prekindergarten Education Program. Learning gains shall be determined using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment in use before the 2021-2022 program year. Any private prekindergarten provider or public school participating in the Voluntary Prekindergarten Education Program which fails to meet the minimum kindergarten readiness rate for the 2020-2021 program year is subject to the probation requirements of subsection (5).

(4) (a) Beginning with the 2022-2023 program year, the office shall adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which must be based on a combination of the following:



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649        1. Program assessment composite scores under subsection  
650 (2), which must be weighted at no less than 50 percent.

651        2. Learning gains operationalized as change-in-ability  
652 scores from the initial and final progress monitoring results  
653 described in subsection (1).

654        3. Norm-referenced developmental learning outcomes  
655 described in subsection (1).

656        (b) The methodology for calculating a provider's  
657 performance metric may only include prekindergarten students who  
658 have attended at least 85 percent of a private prekindergarten  
659 provider's or public school's program.

660        (c) The program assessment composite score and performance  
661 metric must be calculated for each private prekindergarten or  
662 public school site.

663        (d) The methodology shall include a statistical latent  
664 profile analysis that has been conducted by an independent  
665 expert with experience in relevant quantitative analysis, early  
666 childhood assessment, and designing state-level accountability  
667 systems. The independent expert shall be able to produce a  
668 limited number of performance metric profiles that summarize the  
669 profiles of all sites that must be used to inform the following  
670 designations: "unsatisfactory," "emerging proficiency,"  
671 "proficient," "highly proficient," and "excellent" or comparable  
672 terminology determined by the office which may not include  
673 letter grades. The independent expert may not be a direct  
674 stakeholder or have had a financial interest in the design or  
675 delivery of the Voluntary Prekindergarten Education Program or  
676 public school system within the last 5 years.

677        (e) Subject to an appropriation, the office shall provide



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for a differential payment to a private prekindergarten provider and public school based on the provider's designation. The maximum differential payment may not exceed a total of 15 percent of the base student allocation per full-time equivalent student under s. 1002.71 attending in the consecutive program year for that program. A private prekindergarten provider or public school may not receive a differential payment if it receives a designation of "proficient" or lower. Before the adoption of the methodology, the office and the independent expert shall confer with the Council for Early Grade Success under s. 1008.2125 before receiving approval from the office for the final recommendations on the designation system and differential payments.

(f) The office shall adopt procedures to annually calculate each private prekindergarten provider's and public school's performance metric, based on the methodology adopted in paragraphs (a) and (b), and assign a designation under paragraph (d). Beginning with the 2023-2024 program year, each private prekindergarten provider or public school shall be assigned a designation within 45 days after the conclusion of the school-year Voluntary Prekindergarten Education Program delivered by all participating private prekindergarten providers or public schools and within 45 days after the conclusion of the summer Voluntary Prekindergarten Education Program delivered by all participating private prekindergarten providers or public schools.

(g) A private prekindergarten provider or public school designated "proficient," "highly proficient," or "excellent" demonstrates the provider's or school's satisfactory delivery of





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the Voluntary Prekindergarten Education Program.

(h) The designations shall be displayed in the early learning provider performance profiles required under s. 1002.92(3).

(5)(a) If a public school's or private prekindergarten provider's program assessment composite score for its prekindergarten classrooms fails to meet the minimum program assessment composite score for contracting established by the office pursuant to s. 1002.82(2)(n), the private prekindergarten provider or public school may not participate in the Voluntary Prekindergarten Education Program beginning in the consecutive program year and thereafter until the public school or private prekindergarten provider meets the minimum composite score for contracting. A public school or private prekindergarten provider may request one program assessment per program year in order to requalify for participation in the Voluntary Prekindergarten Education Program. If a public school or private prekindergarten provider would like an additional program assessment completed within the same program year, the public school or private prekindergarten provider shall be responsible for the cost of the program assessment.

(b) If a private prekindergarten provider's or public school's performance metric or designation falls below the minimum performance metric or designation, the early learning coalition shall:

1. Require the provider or school to submit for approval to the early learning coalition an improvement plan and implement the plan.

2. Place the provider or school on probation.



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3. Require the provider or school to take certain corrective actions, including the use of a curriculum approved by the office under s. 1002.67(2)(c) and a staff development plan approved by the office to strengthen instructional practices in emotional support, classroom organization, instructional support, language development, phonological awareness, alphabet knowledge, and mathematical thinking.

(c) A private prekindergarten provider or public school placed on probation must continue the corrective actions required under paragraph (b) until the provider or school meets the minimum performance metric or designation adopted by the office. Failure to meet the requirements of subparagraphs (b)1. and 3. shall result in the termination of the provider's or school's contract to deliver the Voluntary Prekindergarten Education Program for a period of at least 2 years but no more than 5 years.

(d) If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum performance metric or designation, or is not granted a good cause exemption by the office, the office shall require the early learning coalition to revoke the provider's or school's eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program for a period of at least 2 years but no more than 5 years.

(6)(a) The office, upon the request of a private prekindergarten provider or public school that remains on probation for at least 2 consecutive years and subsequently fails to meet the minimum performance metric or designation, and for good cause shown, may grant to the provider or school an



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exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, must be submitted to the office in the manner and within the timeframes prescribed by the office and must include the following:

1. Data from the private prekindergarten provider or public school which documents the achievement and progress of the children served, as measured by any required screenings or assessments.

2. Data from the program assessment required under subsection (2) which demonstrates effective teaching practices as recognized by the tool developer.

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and Families, the local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.

(c) The office shall adopt criteria for granting good cause exemptions. Such criteria must include, but are not limited to, all of the following:

1. Child demographic data that evidences a private prekindergarten provider or public school serves a statistically significant population of children with special needs who have



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individual education plans and can demonstrate progress toward meeting the goals outlined in the students' individual education plans.

2. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school on an alternative measure that has comparable validity and reliability of the coordinated screening and progress monitoring program in accordance with s. 1008.2125.

3. Program assessment data under subsection (2) which demonstrates effective teaching practices as recognized by the tool developer.

4. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider or public school that has any class I violations or two or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding the provider's or school's request for the exemption.

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under paragraph (5)(b) until the provider or school meets the minimum performance metric.

(f) If a good cause exemption is granted to a private prekindergarten provider or public school that remains on probation for 2 consecutive years and if the provider meets all other applicable requirements of this part, the office must notify the early learning coalition of the good cause exemption



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and direct that the early learning coalition not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program.

(g) The office shall report the number of private prekindergarten providers or public schools that have received a good cause exemption and the reasons for the exemptions as part of its annual reporting requirements under s. 1002.82(7).

(7) Representatives from each school district and corresponding early learning coalitions must meet annually to develop strategies to transition students from the Voluntary Prekindergarten Education Program to kindergarten.

Section 18. Section 1002.69, Florida Statutes, is repealed.

Section 19. Section 1002.73, Florida Statutes, is amended to read:

1002.73 Office of Early Learning ~~Department of Education~~; powers and duties; accountability requirements.-

(1) The office ~~department~~ shall adopt by rule a standard statewide provider contract to be used with each Voluntary Prekindergarten Education Program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide provider contract shall include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination,



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the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable ~~administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.~~

(2) The office ~~department~~ shall adopt procedures for ~~its~~:

(a) The approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.

(b) The approval of emergent literacy and early mathematics skills training courses under ss. 1002.55 and 1002.59.

(c) Annually notifying private prekindergarten providers and public schools placed on probation for not meeting the minimum performance metric or designation as required by s. 1002.68 of the high-quality professional development opportunities developed or supported by the office.

(d) The administration of the Voluntary Prekindergarten Education Program by the early learning coalitions, including, but not limited to, procedures for:

1. Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53, which shall include the enrollment of children by public schools and private providers that meet specified requirements.

2. Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

3. Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

4. Determining the eligibility of private prekindergarten



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providers to deliver the program under ss. 1002.55 and 1002.61 and streamlining the process of determining provider eligibility whenever possible.

5. Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. 1002.67.

6. Paying private prekindergarten providers and public schools under s. 1002.71.

7. Documenting and certifying student enrollment and student attendance under s. 1002.71.

8. Reconciling advance payments in accordance with the uniform attendance policy under s. 1002.71.

9. Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.71.

(3) The office shall administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.

(4) The office shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions for:

(a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.68.

(b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.68.

(c) Removing a private prekindergarten provider or public



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school from eligibility to deliver the program due to the  
provider's or school's remaining on probation beyond the time  
permitted under s. 1002.68. Notwithstanding any other law, if a  
private prekindergarten provider has been cited for a class I  
violation, as defined by rule of the Child Care Services Program  
Office of the Department of Children and Families, the coalition  
may refuse to contract with the provider or revoke the  
provider's eligibility to deliver the Voluntary Prekindergarten  
Education Program.

(d) Enrolling children in and determining the eligibility  
of children for the Voluntary Prekindergarten Education Program  
under s. 1002.66.

(e) Paying specialized instructional services providers  
under s. 1002.66.

~~(c) Administration of the statewide kindergarten screening~~  
~~and calculation of kindergarten readiness rates under s.~~  
~~1002.69.~~

~~(d) Implementation of, and determination of costs~~  
~~associated with, the state-approved prekindergarten enrollment~~  
~~screening and the standardized postassessment approved by the~~  
~~department, and determination of the learning gains of students~~  
~~who complete the state-approved prekindergarten enrollment~~  
~~screening and the standardized postassessment approved by the~~  
~~department.~~

(f) (e) Approving Approval of specialized instructional  
services providers under s. 1002.66.

~~(f) Annual reporting of the percentage of kindergarten~~  
~~students who meet all state readiness measures.~~

(g) Granting of a private prekindergarten provider's or





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public school's request for a good cause exemption under s.  
1002.68 ~~s. 1002.69(7)~~.

(5) The office shall adopt procedures for the distribution  
of funds to early learning coalitions under s. 1002.71.

(6)(3) Except as provided by law, the office ~~department~~ may  
not impose requirements on a private prekindergarten provider or  
public school that does not deliver the Voluntary  
Prekindergarten Education Program or receive state funds under  
this part.

Section 20. Section 1002.75, Florida Statutes, is repealed.

Section 21. Section 1002.81, Florida Statutes, is reordered  
and amended to read:

1002.81 Definitions.—Consistent with the requirements of 45  
C.F.R. parts 98 and 99 and as used in this part, the term:

(1) "At-risk child" means:

(a) A child from a family under investigation by the  
Department of Children and Families or a designated sheriff's  
office for child abuse, neglect, abandonment, or exploitation.

(b) A child who is in a diversion program provided by the  
Department of Children and Families or its contracted provider  
and who is from a family that is actively participating and  
complying in department-prescribed activities, including  
education, health services, or work.

(c) A child from a family that is under supervision by the  
Department of Children and Families or a contracted service  
provider for abuse, neglect, abandonment, or exploitation.

(d) A child placed in court-ordered, long-term custody or  
under the guardianship of a relative or nonrelative after  
termination of supervision by the Department of Children and



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Families or its contracted provider.

(e) A child in the custody of a parent who is considered a victim of domestic violence and is receiving services through a certified domestic violence center.

(f) A child in the custody of a parent who is considered homeless as verified by a Department of Children and Families certified homeless shelter.

(2) "Authorized hours of care" means the hours of care that are necessary to provide protection, maintain employment, or complete work activities or eligible educational activities, including reasonable travel time.

(13) ~~(3)~~ "Prevailing ~~Average~~ market rate" means the biennially determined 75th percentile of a reasonable frequency distribution ~~average~~ of the market rate by program care level and provider type in a predetermined geographic market at which child care providers charge a person for child care services.

(3) ~~(4)~~ "Direct enhancement services" means services for families and children that are in addition to payments for the placement of children in the school readiness program. Direct enhancement services for families and children may include supports for providers, parent training and involvement activities, and strategies to meet the needs of unique populations and local eligibility priorities. Direct enhancement services offered by an early learning coalition shall be consistent with the activities prescribed in s. 1002.89(6)(b).

(4) ~~(5)~~ "Disenrollment" means the removal, either temporary or permanent, of a child from participation in the school readiness program. Removal of a child from the school readiness program may be based on the following events: a reduction in



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available school readiness program funding, participant's failure to meet eligibility or program participation requirements, fraud, or a change in local service priorities.

(5)~~(6)~~ "Earned income" means gross remuneration derived from work, professional service, or self-employment. The term includes commissions, bonuses, back pay awards, and the cash value of all remuneration paid in a medium other than cash.

(6)~~(7)~~ "Economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level and includes being a child of a working migratory family as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural worker who is employed by more than one agricultural employer during the course of a year, and whose income varies according to weather conditions and market stability.

(7)~~(8)~~ "Family income" means the combined gross income, whether earned or unearned, that is derived from any source by all family or household members who are 18 years of age or older who are currently residing together in the same dwelling unit. The term does not include income earned by a currently enrolled high school student who, since attaining the age of 18 years, or a student with a disability who, since attaining the age of 22 years, has not terminated school enrollment or received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion. The term also does not include food stamp benefits or federal housing assistance payments issued directly to a landlord or the associated utilities expenses.

(8)~~(9)~~ "Family or household members" means spouses, former spouses, persons related by blood or marriage, persons who are



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parents of a child in common regardless of whether they have been married, and other persons who are currently residing together in the same dwelling unit as if a family.

(9)~~(10)~~ "Full-time care" means at least 6 hours, but not more than 11 hours, of child care or early childhood education services within a 24-hour period.

(10)~~(11)~~ "Market rate" means the price that a child care or early childhood education provider charges for full-time or part-time daily, weekly, or monthly child care or early childhood education services.

(11)~~(12)~~ "Office" means the Office of Early Learning of the Department of Education.

(12)~~(13)~~ "Part-time care" means less than 6 hours of child care or early childhood education services within a 24-hour period.

(14) "Single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program or the Voluntary Prekindergarten Education Program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through a website, and that uses a uniform waiting list to track eligible children waiting for enrollment in the school readiness program.

(15) "Unearned income" means income other than earned income. The term includes, but is not limited to:

- (a) Documented alimony and child support received.
- (b) Social security benefits.
- (c) Supplemental security income benefits.
- (d) Workers' compensation benefits.



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(e) Reemployment assistance or unemployment compensation benefits.

(f) Veterans' benefits.

(g) Retirement benefits.

(h) Temporary cash assistance under chapter 414.

(16) "Working family" means:

(a) A single-parent family in which the parent with whom the child resides is employed or engaged in eligible work or education activities for at least 20 hours per week;

(b) A two-parent family in which both parents with whom the child resides are employed or engaged in eligible work or education activities for a combined total of at least 40 hours per week; or

(c) A two-parent family in which one of the parents with whom the child resides is exempt from work requirements due to age or disability, as determined and documented by a physician licensed under chapter 458 or chapter 459, and one parent is employed or engaged in eligible work or education activities at least 20 hours per week.

Section 22. Section 1002.82, Florida Statutes, is amended to read:

1002.82 Office of Early Learning; powers and duties.—

(1) For purposes of administration of the Child Care and Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts 98 and 99, the Office of Early Learning is designated as the lead agency and must comply with lead agency responsibilities pursuant to federal law. The office may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any provision of ss. 411.223 and 1003.54 if the waiver is



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necessary for implementation of the school readiness program.  
Section 125.901(2)(a)3. does not apply to the school readiness  
program.

(2) The office shall:

(a) Focus on improving the educational quality delivered by  
all providers participating in the school readiness program.

(b) Preserve parental choice by permitting parents to  
choose from a variety of child care categories, including  
center-based care, family child care, and informal child care to  
the extent authorized in the state's Child Care and Development  
Fund Plan as approved by the United States Department of Health  
and Human Services pursuant to 45 C.F.R. s. 98.18. Care and  
curriculum by a faith-based provider may not be limited or  
excluded in any of these categories.

(c) Be responsible for the prudent use of all public and  
private funds in accordance with all legal and contractual  
requirements, safeguarding the effective use of federal, state,  
and local resources to achieve the highest practicable level of  
school readiness for the children described in s. 1002.87,  
including:

1. The adoption of a uniform chart of accounts for  
budgeting and financial reporting purposes that provides  
standardized definitions for expenditures and reporting,  
consistent with the requirements of 45 C.F.R. part 98 and s.  
1002.89 for each of the following categories of expenditure:

- a. Direct services to children.
- b. Administrative costs.
- c. Quality activities.
- d. Nondirect services.



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2. Coordination with other state and federal agencies to perform data matches on children participating in the school readiness program and their families in order to verify the children's eligibility pursuant to s. 1002.87.

(d) Establish procedures for the biennial calculation of the prevailing average market rate or an alternative model approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(c).

(e) Review each early learning coalition's school readiness program plan every 2 years and provide final approval of the plan and any amendments submitted.

(f) Establish a unified approach to the state's efforts to coordinate a comprehensive early learning program. In support of this effort, the office:

1. Shall adopt specific program support services that address the state's school readiness program, including:

a. Statewide data information program requirements that include:

(I) Eligibility requirements.

(II) Financial reports.

(III) Program accountability measures.

(IV) Child progress reports.

b. Child care resource and referral services.

c. A single point of entry and uniform waiting list.

2. May provide technical assistance and guidance on additional support services to complement the school readiness program, including:

~~a. Rating and improvement systems.~~

~~a.b.~~ Warm-Line services.



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~~b.e.~~ Anti-fraud plans.

~~d. School readiness program standards.~~

~~e. Child screening and assessments.~~

~~c.f.~~ Training and support for parental involvement in  
children's early education.

~~d.g.~~ Family literacy activities and services.

(g) Provide technical assistance to early learning  
coalitions.

(h) In cooperation with the early learning coalitions,  
coordinate with the Child Care Services Program Office of the  
Department of Children and Families to reduce paperwork and to  
avoid duplicating interagency activities, health and safety  
monitoring, and acquiring and composing data pertaining to child  
care training and credentialing.

(i) Enter into a memorandum of understanding with local  
licensing agencies and the Child Care Services Program Office of  
the Department of Children and Families for inspections of  
school readiness program providers to monitor and verify  
compliance with s. 1002.88 and the health and safety checklist  
adopted by the office. The provider contract of a school  
readiness program provider that refuses permission for entry or  
inspection shall be terminated. The health and safety checklist  
may not exceed the requirements of s. 402.305 and the Child Care  
and Development Fund pursuant to 45 C.F.R. part 98. A child  
development program accredited by a national accrediting body  
and operating on a military installation certified by the United  
States Department of Defense is exempted from the inspection  
requirements under s. 1002.88.

(j) Monitor the alignment and consistency of the Develop





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and ~~adopt~~ standards and benchmarks developed and adopted by the office that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to kindergarten entry ~~5 years of age~~ in the school readiness program must be aligned with the performance standards adopted for children in the Voluntary Prekindergarten Education Program and must address the following domains:

1. Approaches to learning.
2. Cognitive development and general knowledge.
3. Numeracy, language, and communication.
4. Physical development.
5. Self-regulation.

(k) Identify observation-based child assessments that are valid, reliable, and developmentally appropriate for use at least three times a year. The assessments must:

1. Provide interval level and norm-referenced ~~criterion-referenced~~ data that measures equivalent levels of growth across the core domains of early childhood development and that can be used for determining developmentally appropriate learning gains.

2. Measure progress in the performance standards adopted pursuant to paragraph (j).

3. Provide for appropriate accommodations for children with disabilities and English language learners and be administered by qualified individuals, consistent with the developer's instructions.

4. Coordinate with the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program.

5. Provide data in a format for use in the single statewide



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information system to meet the requirements of paragraph (q)  
~~(p)~~.

(l) Adopt a list of approved curricula that meet the performance standards for the school readiness program and establish a process for the review and approval of a provider's curriculum that meets the performance standards.

(m) Provide technical support to an early learning coalition to facilitate the use of ~~Adopt by rule~~ a standard statewide provider contract adopted by the office to be used with each school readiness program provider, with standardized attachments by provider type. The office shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, contracted slots, if applicable, in accordance with the Child Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98 and 99; quality improvement strategies, if applicable; program assessment requirements; and provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable. Provisions for termination for cause must also include failure to meet the minimum quality measures established under paragraph (n) for a period of up to 5 years, unless the coalition determines that the provider is essential to meeting



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capacity needs based on the assessment under s. 1002.85(2)(j) and the provider has an active improvement plan pursuant to paragraph (n).

(n) Adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to 5 years. The implementation of the program assessment must also include the following components adopted by the office:

1. Quality measures, including a minimum program assessment composite score threshold for contracting purposes and program improvement through an improvement plan. The minimum program assessment composite score required for the Voluntary Prekindergarten Education Program contracting threshold must be the same as the minimum program assessment composite score required for contracting for the school readiness program. The methodology for the calculation of the minimum program assessment composite score shall be reviewed by the independent expert identified in s. 1002.68(4)(d).

2. Requirements for program participation, frequency of program assessment, and exemptions.

(o) No later than July 1, 2019, develop a differential payment program based on the quality measures adopted by the office under paragraph (n). The differential payment may not exceed a total of 15 percent for each care level and unit of child care for a child care provider. No more than 5 percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide information



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system in the domains of language and executive functioning using a child assessment identified pursuant to paragraph (k). Providers below the minimum program assessment score adopted threshold for contracting purposes are ineligible for such payment.

(p) No later than July 1, 2022, develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by such children being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted slot program may also be used to increase the availability of child care capacity based on the assessment under s. 1002.85(2) (j).

(q) ~~(p)~~ Establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. By July 1, 2019, the system, subject to ss. 1002.72 and 1002.97, shall:

1. Allow a parent to monitor the development of his or her child as the child moves among programs within the state.

2. Enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.

(r) ~~(q)~~ Provide technical support to coalitions to facilitate the use of ~~Adopt by rule~~ standardized procedures



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adopted by the office for early learning coalitions to use when monitoring the compliance of school readiness program providers with the terms of the standard statewide provider contract.

(s)~~(r)~~ At least biennially provide fiscal and programmatic monitoring to ~~Monitor and~~ evaluate the performance of each early learning coalition in administering the school readiness program, ensuring proper payments for school readiness program services, implementing the coalition's school readiness program plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(t)~~(s)~~ Work in conjunction with the Bureau of Federal Education Programs within the Department of Education to coordinate readiness and voluntary prekindergarten services to the populations served by the bureau.

(u)~~(t)~~ Administer a statewide toll-free Warm-Line to provide assistance and consultation to child care facilities and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. The office shall:

1. Annually inform child care facilities and family day care homes of the availability of this service through the child care resource and referral network under s. 1002.92.

2. Expand or contract for the expansion of the Warm-Line to maintain at least one Warm-Line in each early learning coalition service area.

(v)~~(u)~~ Develop and implement strategies to increase the



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supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.

(w)~~(v)~~ Establish preservice and inservice training requirements that address, at a minimum, school readiness child development standards, health and safety requirements, and social-emotional behavior intervention models, which may include positive behavior intervention and support models, including the integration of early learning professional development pathways established in s. 1002.995.

(x)~~(w)~~ Establish standards for emergency preparedness plans for school readiness program providers.

(y)~~(x)~~ Establish group sizes.

(z)~~(y)~~ Establish staff-to-children ratios that do not exceed the requirements of s. 402.302(8) or (11) or s. 402.305(4), as applicable, for school readiness program providers.

(aa)~~(z)~~ Establish eligibility criteria, including limitations based on income and family assets, in accordance with s. 1002.87 and federal law.

(3)(a) The office shall adopt performance standards and outcome measures for early learning coalitions that, at a minimum, include the development of objective and statistically valid customer service surveys by a state university or other independent researcher with specific expertise in customer service survey development. The survey shall be deployed beginning in fiscal year 2023-2024 and be distributed to:



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1. Customers who use the services in s. 1002.92 upon the completion of a referral inquiry.

2. Parents annually at the time of eligibility determination.

3. Child care providers that participate in the school readiness program or the Voluntary Prekindergarten Education Program at the time of execution of the statewide provider contract.

4. Board members required under s. 1002.83.

(b) Results of the survey shall be based on a statistically significant sample size of completed surveys and calculated annually for each early learning coalition and included in the department's annual report under subsection (7). If an early learning coalition's customer satisfaction survey results are below 60 percent, the coalition shall be placed on a 1-year corrective action plan that outlines specific steps the coalition shall take to improve the results of the customer service surveys, including, but not limited to, technical assistance, staff professional development or coaching.

(4)~~(3)~~ If the office determines during the review of school readiness program plans, or through monitoring and performance evaluations conducted under s. 1002.85, that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures adopted by the office or the terms of a customer service corrective action plan, or has not effectively administered the school readiness program or Voluntary Prekindergarten Education Program, the office may remove the coalition from eligibility to administer early learning programs and temporarily contract with



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a qualified entity to continue school readiness program and prekindergarten services in the coalition's county or multicounty region until the office reestablishes or merges the coalition and a new school readiness program plan is approved in accordance with the rules adopted by the office.

(5) The office shall adopt procedures for merging early learning coalitions for failure to meet the requirements of subsection (3) or subsection (4), including procedures for the consolidation of merging coalitions that minimizes duplication of programs and services due to the merger, and for the early termination of the terms of the coalition members which are necessary to accomplish the mergers.

(6)~~(4)~~ The office may request the Governor to apply for a waiver to allow a coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

(7)~~(5)~~ By January 1 of each year, the office shall annually publish on its website a report of its activities conducted under this section. The report must include a summary of the coalitions' annual reports, a statewide summary, and the following:

(a) An analysis of early learning activities throughout the state, including the school readiness program and the Voluntary Prekindergarten Education Program.

1. The total and average number of children served in the school readiness program, enumerated by age, eligibility priority category, and coalition, and the total number of children served in the Voluntary Prekindergarten Education Program.

2. A summary of expenditures by coalition, by fund source,





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including a breakdown by coalition of the percentage of expenditures for administrative activities, quality activities, nondirect services, and direct services for children.

3. A description of the office's and each coalition's expenditures by fund source for the quality and enhancement activities described in s. 1002.89(6)(b).

4. A summary of annual findings and collections related to provider fraud and parent fraud.

5. Data regarding the coalitions' delivery of early learning programs.

6. The total number of children disenrolled statewide and the reason for disenrollment.

7. The total number of providers by provider type.

8. The number of school readiness program providers who have completed the program assessment required under paragraph (2)(n); the number of providers who have not met the minimum program assessment composite score threshold for contracting established under paragraph (2)(n); and the number of providers that have an active improvement plan based on the results of the program assessment under paragraph (2)(n).

9. The total number of provider contracts revoked and the reasons for revocation.

(b) A detailed summary of the analysis compiled using the single statewide information system established in subsection (2) activities and detailed expenditures related to the Child Care Executive Partnership Program.

(8)(a)-(a) Parental choice of child care providers, including private and faith-based providers, shall be established to the maximum extent practicable in accordance with



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45 C.F.R. s. 98.30.

(b) As used in this subsection, the term "payment certificate" means a child care certificate as defined in 45 C.F.R. s. 98.2.

(c) The school readiness program shall, in accordance with 45 C.F.R. s. 98.30, provide parental choice through a payment certificate that provides, to the maximum extent possible, flexibility in the school readiness program and payment arrangements. The payment certificate must bear the names of the beneficiary and the program provider and, when redeemed, must bear the signatures of both the beneficiary and an authorized representative of the provider.

(d) If it is determined that a provider has given any cash or other consideration to the beneficiary in return for receiving a payment certificate, the early learning coalition or its fiscal agent shall refer the matter to the Department of Financial Services pursuant to s. 414.411 for investigation.

(9)~~(7)~~ Participation in the school readiness program does not expand the regulatory authority of the state, its officers, or an early learning coalition to impose any additional regulation on providers beyond those necessary to enforce the requirements set forth in this part and part V of this chapter.

Section 23. Present subsections (5) through (14) of section 1002.83, Florida Statutes, are redesignated as subsections (6) through (15), respectively, a new subsection (5) is added to that section, and subsections (1) and (3), paragraphs (e), (f), and (m) of subsection (4), and present subsections (5), (11), and (13) of that section are amended, to read:

1002.83 Early learning coalitions.—



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(1) Thirty ~~Thirty-one~~ or fewer early learning coalitions are established and shall maintain direct enhancement services at the local level and provide access to such services in all 67 counties. Two or more early learning coalitions may join for purposes of planning and implementing a school readiness program and the Voluntary Prekindergarten Education Program.

(3) The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the ~~same~~ qualifications of a as private sector business member ~~members appointed by the coalition~~ under subsection (6)(5). In the absence of a governor-appointed chair, the Executive Director of the Office of Early Learning may appoint an interim chair from the current early learning coalition board membership.

(4) Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

(e) A children's services council or juvenile welfare board chair or executive director from each county, if applicable.

(f) A Department of Children and Families child care regulation representative or an agency head of a local licensing agency as defined in s. 402.302, where applicable.

~~(m) A central agency administrator, where applicable.~~

(5) If members of the board are found to be nonparticipating according to the early learning coalition



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bylaws, the early learning coalition may request an alternate designee who meets the same qualifications or membership requirements of the nonparticipating member.

~~(6)(5) The early learning coalition may appoint additional~~  
~~Including the members who appointed by the Governor under~~  
~~subsection (3), more than one-third of the members of each early~~  
~~learning coalition~~ must be private sector business members,  
either for-profit or nonprofit, who do not have, and none of  
whose relatives as defined in s. 112.3143 has, a substantial  
financial interest in the design or delivery of the Voluntary  
Prekindergarten Education Program created under part V of this  
chapter or the school readiness program. ~~To meet this~~  
~~requirement, an early learning coalition must appoint additional~~  
~~members.~~ The office shall establish criteria for appointing  
private sector business members. These criteria must include  
standards for determining whether a member or relative has a  
substantial financial interest in the design or delivery of the  
Voluntary Prekindergarten Education Program or the school  
readiness program.

~~(12)(11)~~ Each early learning coalition shall establish  
terms for all appointed members of the coalition. The terms must  
be staggered and must be a uniform length that does not exceed 4  
years per term. ~~Coalition chairs shall be appointed for 4 years~~  
~~pursuant to s. 20.052.~~ Appointed members may serve a maximum of  
two consecutive terms. When a vacancy occurs in an appointed  
position, the coalition must advertise the vacancy.

~~(14)(13)~~ Each early learning coalition shall complete an  
annual evaluation of the early learning coalition's executive  
director or chief executive officer on forms adopted by the



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office. The annual evaluation must be submitted to the Executive Director of the Office of Early Learning by June 30 of each year ~~use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the office.~~

Section 24. Present subsections (7) through (20) of section 1002.84, Florida Statutes, are redesignated as subsections (8) through (21), respectively, a new subsection (7) is added to that section, and subsection (4), present subsections (8) and (16), paragraph (a) of present subsection (18), and present subsection (20) of that section are amended, to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(4) Establish a regional Warm-Line as directed by the office pursuant to s. 1002.82(2)(u) ~~s. 1002.82(2)(t)~~. Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family day care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family day care homes may need as they serve children with disabilities and other special needs.

(7) Use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the office.

(9) ~~(8)~~ Establish a parent sliding fee scale that provides for a parent copayment that is not a barrier to families receiving school readiness program services. ~~Providers are~~



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~~required to collect the parent's copayment.~~ A coalition may, ~~on a case-by-case basis,~~ waive the copayment for an at-risk child or temporarily waive the copayment for a child whose family's income is at or below the federal poverty level or ~~and~~ whose family experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes or participating in an Early Head Start program or the Head Start Program. A parent may not transfer school readiness program services to another school readiness program provider until the parent has submitted documentation from the current school readiness program provider to the early learning coalition stating that the parent has satisfactorily fulfilled the copayment obligation.

(17) ~~(16)~~ Adopt a payment schedule that encompasses all programs funded under this part and part V of this chapter. The payment schedule must take into consideration the prevailing average ~~average~~ market rate or an alternative model that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. 98.45(c), include the projected number of children to be served, and be submitted for approval by the ~~office.~~ Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(19) ~~(18)~~ By October 1 of each year, submit an annual report to the office. The report shall conform to the format adopted by the office and must include:

(a) Segregation of school readiness program funds,



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Voluntary Prekindergarten Education Program funds, ~~Child Care Executive Partnership Program funds~~, and other local revenues available to the coalition.

(21)(a)-(20) To increase transparency and accountability, comply with the requirements of this section before contracting with one or more of the following persons or business entities which employs, has a contractual relationship with, or is owned by the following persons:

1. A member of the coalition appointed pursuant to s. 1002.83(4);

2. A board member of any other early learning subrecipient entity;

3. A coalition employee; or

4. A relative, as defined in s. 112.3143(1)(c), of any person listed in subparagraphs 1.-3 ~~a coalition member or of an employee of the coalition.~~

(b) Such contracts may not be executed without the approval of the office. Such contracts, as well as documentation demonstrating adherence to this section by the coalition, must be approved by a two-thirds vote of the coalition, a quorum having been established; all conflicts of interest must be disclosed before the vote; and any member who may benefit from the contract, or whose relative may benefit from the contract, must abstain from the vote. A contract under \$25,000 ~~between an early learning coalition and a member of that coalition or between a relative, as defined in s. 112.3143(1)(c), of a coalition member or of an employee of the coalition~~ is not required to have the prior approval of the office but must be approved by a two-thirds vote of the coalition, a quorum having



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been established, and must be reported to the office within 30 days after approval. If a contract cannot be approved by the office, a review of the decision to disapprove the contract may be requested by the early learning coalition or other parties to the disapproved contract.

Section 25. Paragraphs (c) and (f) of subsection (2) of section 1002.85, Florida Statutes, are amended to read:

1002.85 Early learning coalition plans.—

(2) Each early learning coalition must biennially submit a school readiness program plan to the office before the expenditure of funds. A coalition may not implement its school readiness program plan until it receives approval from the office. A coalition may not implement any revision to its school readiness program plan until the coalition submits the revised plan to and receives approval from the office. If the office rejects a plan or revision, the coalition must continue to operate under its previously approved plan. The plan must include, but is not limited to:

(c) The coalition's procedures for implementing the requirements of this part, including:

1. Single point of entry.
2. Uniform waiting list.
3. Eligibility and enrollment processes and local eligibility priorities for children pursuant to s. 1002.87.
4. Parent access and choice.
5. Sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(9) ~~s.~~ ~~1002.84(8)~~.
6. Use of preassessments and postassessments, as





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applicable.

7. Payment rate schedule.

8. Use of contracted slots, as applicable, based on the results of the assessment required under paragraph (j).

(f) A detailed accounting, in the format prescribed by the office, of all revenues and expenditures during the previous state fiscal year. Revenue sources should be identifiable, and expenditures should be reported by two ~~three~~ categories: state and federal funds and, ~~local matching funds, and Child Care Executive Partnership Program funds.~~

Section 26. Paragraphs (a), (c), and (p) of subsection (1) of section 1002.88, Florida Statutes, are amended, and paragraph (s) is added to that subsection, to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(a) Be a child care facility licensed under s. 402.305, a family day care home licensed or registered under s. 402.313, a large family child care home licensed under s. 402.3131, a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c), a child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense, ~~or~~ an informal child care provider to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and



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Human Services pursuant to 45 C.F.R. s. 98.18, or a provider who has been issued a provisional license pursuant to s. 402.309. A provider may not deliver the program while holding a probation-status license under s. 402.310.

(c) Provide basic health and safety of its premises and facilities and compliance with requirements for age-appropriate immunizations of children enrolled in the school readiness program.

1. For a provider that is licensed, compliance with s. 402.305, s. 402.3131, or s. 402.313 and this subsection, as verified pursuant to s. 402.311, satisfies this requirement.

2. For a provider that is a registered family day care home or is not subject to licensure or registration by the Department of Children and Families, compliance with this subsection, as verified pursuant to s. 402.311, satisfies this requirement. Upon verification pursuant to s. 402.311, the provider shall annually post the health and safety checklist adopted by the office prominently on its premises in plain sight for visitors and parents and shall annually submit the checklist to its local early learning coalition.

3. For a child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense, the submission and verification of annual inspections pursuant to United States Department of Defense Instructions 6060.2 and 1402.05 satisfies this requirement.

(p) Notwithstanding paragraph (m), for a provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), agree to notify the coalition of any additional



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liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (m), for a child development program accredited by a national accrediting body and operating on a military installation certified by the United States Department of Defense, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

(s) Collect all parent copayment fees unless a waiver has been granted under s. 1002.84(9).

Section 27. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and subsections (4) and (6) of section 1002.895, Florida Statutes, are amended to read:

1002.895 Market rate schedule.—The school readiness program market rate schedule shall be implemented as follows:

(1) The office shall establish procedures for the adoption of a market rate schedule until an alternative model that has been approved by the Administration for Children and Families pursuant to 45 C.F.R. s. 98.45(c) is available for adoption. The schedule must include, at a minimum, county-by-county rates:

(a) The market rate, including the minimum and the maximum rates for child care providers that hold a Gold Seal Quality Care designation under s. 1002.945 and adhere to its accrediting association's teacher-to-child ratios and group size requirements ~~s. 402.281~~.

(2) The market rate schedule, at a minimum, must:

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care



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designation under s. 1002.945 and adheres to its accrediting  
association's teacher-to-child ratios and group size  
requirements ~~s. 402.281~~, a child care facility licensed under s.  
402.305, a public or nonpublic school exempt from licensure  
under s. 402.3025, a faith-based child care facility exempt from  
licensure under s. 402.316 that does not hold a Gold Seal  
Quality Care designation, a large family child care home  
licensed under s. 402.3131, or a family day care home licensed  
or registered under s. 402.313.

(4) The market rate schedule shall be considered by an  
early learning coalition in the adoption of a payment schedule.  
The payment schedule must take into consideration the prevailing  
~~average~~ market rate ~~and~~, include the projected number of  
children to be served by each county, and be submitted for  
approval by the office. Informal child care arrangements shall  
be reimbursed at not more than 50 percent of the rate adopted  
for a family day care home.

(6) The office may adopt rules for establishing procedures  
for the collection of child care providers' market rate, the  
calculation of the prevailing ~~average~~ market rate by program  
care level and provider type in a predetermined geographic  
market, and the publication of the market rate schedule.

Section 28. Subsection (1) and paragraphs (a), (c), and (d)  
of subsection (3) of section 1002.92, Florida Statutes, are  
amended to read:

1002.92 Child care and early childhood resource and  
referral.—

(1) As a part of the school readiness program, the office  
shall establish a statewide child care resource and referral



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network that is unbiased and provides referrals to families for child care and information on available community resources. Preference shall be given to using early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon the procurement requirements of s. 1002.84(13) ~~s. 1002.84(12)~~.

(3) Child care resource and referral agencies shall provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of an early learning provider performance profile ~~a resource file~~ of those services through the single statewide information system developed by the office under s. 1002.82(2)(g) ~~s. 1002.82(2)(p)~~. These services may include family day care, public and private child care programs, the Voluntary Prekindergarten Education Program, Head Start, the school readiness program, special education programs for prekindergarten children with disabilities, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, and ~~vacation care programs, parent education, the temporary cash assistance program, and related family support services.~~ The early learning provider performance profile ~~resource file~~ shall include, but not be limited to:



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1. Type of program.

2. Hours of service.

3. Ages of children served.

4. Number of children served.

5. Program information.

6. Fees and eligibility for services.

7. Availability of transportation.

8. Participation in the Child Care Food Program, if  
applicable.

9. A link to licensing inspection reports, if applicable.

10. The components of the Voluntary Prekindergarten  
Education Program performance metric calculated under s. 1002.68  
that must consist of the program assessment composite score,  
learning gains score, achievement score, and its designations,  
if applicable.

11. The school readiness program assessment composite score  
and program assessment care level composite score results  
delineated by infant classrooms, toddler classrooms, and  
preschool classrooms results under s. 1002.82, if applicable.

12. Gold Seal Quality Care designation under s. 1002.945,  
if applicable.

13. Indication of whether the provider implements a  
curriculum approved by the office and the name of the  
curriculum, if applicable.

14. Participation in school readiness child assessment  
under s. 1002.82.

(c) Maintenance of ongoing documentation of requests for  
service tabulated through the internal referral process through  
the single statewide information system. The following



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documentation of requests for service shall be maintained by the child care resource and referral network:

1. Number of calls and contacts to the child care resource information and referral network component by type of service requested.

2. Ages of children for whom service was requested.

3. Time category of child care requests for each child.

4. Special time category, such as nights, weekends, and swing shift.

5. Reason that the child care is needed.

6. Customer service survey data required under s. 1002.82(3) ~~Name of the employer and primary focus of the business for an employer-based child care program.~~

(d) Assistance to families which connects them to parent education opportunities, the temporary cash assistance program, or social services programs that support families with children, and related child development support services ~~Provision of technical assistance to existing and potential providers of child care services. This assistance may include:~~

~~1. Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.~~

~~2. Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.~~

~~3. Information and incentives that may help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community,~~



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~~through contractual or other funding arrangements with  
businesses.~~

Section 29. Section 402.281, Florida Statutes, is transferred, renumbered as section 1002.945, Florida Statutes, and amended to read:

1002.945 ~~402.281~~ Gold Seal Quality Care program.—

(1) (a) There is established within the Office of Early Learning ~~department~~ the Gold Seal Quality Care Program.

(b) A child care facility, large family child care home, or family day care home that is accredited by an accrediting association approved by the office ~~department~~ under subsection (3) and meets all other requirements shall, upon application to the department, receive a separate "Gold Seal Quality Care" designation.

(2) The office ~~department~~ shall adopt rules establishing Gold Seal Quality Care accreditation standards using nationally recognized accrediting standards and input from accrediting associations ~~based on the applicable accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.~~

(3) (a) In order to be approved by the office ~~department~~ for participation in the Gold Seal Quality Care program, an accrediting association must apply to the office ~~department~~ and demonstrate that it:

1. Is a recognized accrediting association.
2. Has accrediting standards that substantially meet or exceed the Gold Seal Quality Care standards adopted by the office ~~department~~ under subsection (2).





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3. Is a registered corporation with the Department of State.

4. Can provide evidence that the process for accreditation has, at a minimum, all of the following components:

a. Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process. However, accreditation may not be granted to a child care facility, large family child care home, or family day care home before the site is operational and is attended by children.

b. Procedures for completion of a self-study and comprehensive onsite verification process for each classroom that documents compliance with accrediting standards.

c. A training process for accreditation verifiers to ensure inter-rater reliability.

d. Ongoing compliance procedures that include requiring each accredited child care facility, large family child care home, and family day care home to file an annual report with the accrediting association and risk-based, onsite auditing protocols for accredited child care facilities, large family child care homes, and family day care homes.

e. Procedures for the revocation of accreditation due to failure to maintain accrediting standards as evidenced by sub-subparagraph d. or any other relevant information received by the accrediting association.

f. Accreditation renewal procedures that include an onsite verification occurring at least every 5 years.

g. A process for verifying continued accreditation compliance in the event of a transfer of ownership of facilities.



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1896 h. A process to communicate issues that arise during the  
1897 accreditation period with governmental entities that have a  
1898 vested interest in the Gold Seal Quality Care Program, including  
1899 the office, the Department of Children and Families, the  
1900 Department of Health, local licensing entities if applicable,  
1901 and the early learning coalition.

1902 (b) The office shall establish a process that verifies that  
1903 the accrediting association meets the provisions of paragraph  
1904 (a), which must include an auditing program and any other  
1905 procedures that may reasonably determine an accrediting  
1906 association's compliance with this section. If an accrediting  
1907 association is not in compliance and fails to cure its  
1908 deficiencies within 30 days, the office shall recommend to the  
1909 state board termination of the accrediting association's  
1910 participation as an accrediting association in the program for a  
1911 period of at least 2 years but no more than 5 years. If an  
1912 accrediting association is removed from being an approved  
1913 accrediting association, each child care provider accredited by  
1914 that association shall have up to 1 year to obtain a new  
1915 accreditation from an office approved accreditation association.

1916 (c) If an accrediting association has granted accreditation  
1917 to a child care facility, large family child care home, or  
1918 family day care under fraudulent terms or failed to conduct  
1919 onsite verifications, the accrediting association shall be  
1920 liable for the repayment of any rate differentials paid under  
1921 subsection (6).

1922 ~~(b) In approving accrediting associations, the department~~  
1923 ~~shall consult with the Department of Education, the Florida Head~~  
1924 ~~Start Directors Association, the Florida Association of Child~~



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~~Care Management, the Florida Family Child Care Home Association, the Florida Children's Forum, the Florida Association for the Education of the Young, the Child Development Education Alliance, the Florida Association of Academic Nonpublic Schools, the Association of Early Learning Coalitions, providers receiving exemptions under s. 402.316, and parents.~~

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule of the Department of Children and Families, three or more times and failed to correct the violation within 1 year after the date of



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each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(d) Notwithstanding paragraph (a), if the office determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the office may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such provider's status is final.

(5) A child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316 which achieves Gold Seal Quality Care status under this section shall be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax under s. 196.198.

(6) A child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316 which achieves Gold Seal Quality Care status under this section and which participates in the school readiness program shall receive a minimum of a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care.

(7)~~(5)~~ The office ~~Department of Children and Families~~ shall adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting



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associations for participation in the Gold Seal Quality Care program ~~and~~, conferring and revoking designations of Gold Seal Quality Care providers, ~~and classifying violations.~~

Section 30. Section 1008.2125, Florida Statutes, is created to read:

1008.2125 Coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3.—

(1) The primary purpose of the coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3 is to provide information on students' progress in mastering the appropriate grade level standards and to provide information on their progress to parents, teachers, and school and program administrators. Data shall be used by Voluntary Prekindergarten Education Program providers and school districts to improve instruction, by parents and teachers to guide learning objectives and provide timely and appropriate supports and interventions to students not meeting grade level expectations, and by the public to assess the cost benefit of the expenditure of taxpayer dollars. The coordinated screening and progress monitoring program must:

(a) Assess the progress of students in the Voluntary Prekindergarten Education Program through grade 3 in meeting the appropriate expectations in early literacy and math skills and in English Language Arts and mathematics, as required by ss. 1002.67(1)(a) and 1003.41.

(b) Provide data for accountability of the Voluntary Prekindergarten Education Program, as required by s. 1002.68.



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(c) Provide baseline data to the department of each student's readiness for kindergarten, which must be based on each kindergarten student's progress monitoring results within the first 30 days of enrollment in accordance with paragraph (2) (a). The methodology for determining a student's readiness for kindergarten shall be developed by the same independent expert identified in s. 1002.68(4) (d).

(d) Identify the educational strengths and needs of students in the Voluntary Prekindergarten Education Program through grade 3.

(e) Provide teachers with progress monitoring data to provide timely interventions and supports pursuant to s. 1008.25(4).

(f) Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels.

(g) Provide information to aid in the evaluation and development of educational programs and policies.

(2) The Commissioner of Education shall design a statewide, standardized coordinated screening and progress monitoring program to assess early literacy and mathematics skills and the English Language Arts and mathematics standards established in ss. 1002.67(1) (a) and 1003.41, respectively. The coordinated screening and progress monitoring program must provide interval level and norm-referenced data that measures equivalent levels of growth; be a developmentally appropriate, valid, and reliable direct assessment; be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or



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other developmental delays; accurately measure the core content in the applicable grade level standards; document learning gains for the achievement of these standards; and provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication.

Participation in the coordinated screening and progress monitoring program is mandatory for all students in the Voluntary Prekindergarten Education Program and enrolled in a public school in kindergarten through grade 3. The coordinated screening and progress monitoring program shall be implemented beginning in the 2022-2023 school year for students in the Voluntary Prekindergarten Education Program and kindergarten students, as follows:

(a) The coordinated screening and progress monitoring program shall be administered within the first 30 days after enrollment, midyear, and within the last 30 days of the program or school year, in accordance with the rules adopted by the State Board of Education. The state board may adopt alternate timeframes to address nontraditional school year calendars or summer programs to ensure administration of the coordinated screening and progress monitoring program is administered a minimum of 3 times within a year or program.

(b) The results of the coordinated screening and progress monitoring program shall be reported to the department, in accordance with the rules adopted by the state board, and maintained in the department's educational data warehouse.

(3) The Commissioner of Education shall:

(a) Develop a plan, in coordination with the Council for Early Grade Success, for implementing the coordinated screening



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and progress monitoring program in consideration of timelines for implementing new early literacy and mathematics skills and the English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, as appropriate.

(b) Provide data, reports, and information as requested to the Council for Early Grade Success.

(4) The Council for Early Grade Success, a council as defined in s. 20.03(7), is created within the Department of Education to oversee the coordinated screening and progress monitoring program and, except as otherwise provided in this section, shall operate consistent with s. 20.052.

(a) The council shall be responsible for reviewing the implementation of, training for, and outcomes from the coordinated screening and progress monitoring program to provide recommendations to the department that support grade 3 students reading at or above grade level. The council, at a minimum, shall:

1. Provide recommendations on the implementation of the coordinated screening and progress monitoring program, including reviewing any procurement solicitation documents and criteria before being published.

2. Develop training plans and timelines for such training.

3. Identify appropriate personnel, processes, and procedures required for the administration of the coordinated screening and progress monitoring program.

4. Provide input on the methodology for calculating a provider's or school's performance metric and designations under s. 1002.68.

5. Work with the department's independent expert under s.





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1002.68(4)(d) to review the methodology for determining a child's kindergarten readiness.

6. Review data on age-appropriate learning gains by grade level that a student would need to attain in order to demonstrate proficiency in reading by grade 3.

7. Continually review anonymized data from the results of the coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3 to help inform recommendations to the department that support practices that will enable grade 3 students to read at or above grade level.

(b) The council shall be composed of 17 members who are residents of this state and appointed, as follows:

1. Three members appointed by the Governor, as follows:

a. One representative from the Department of Education.

b. One parent of a child who is 4 to 9 years of age.

c. One representative who is a school principal.

2. Seven members appointed by the President of the Senate, as follows:

a. One senator who serves at the pleasure of the President of the Senate.

b. One representative of an urban school district.

c. One representative of a rural early learning coalition.

d. One representative of a faith-based early learning provider that offers the Voluntary Prekindergarten Education Program.

e. One representative who is a second grade teacher with at least 5 years of teaching experience.

f. Two representatives with subject matter expertise in



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early learning, early grade success, or child assessments.

3. Seven members appointed by the Speaker of the House of Representatives, as follows:

a. One member of the House of Representatives who serves at the pleasure of the Speaker of the House.

b. One representative of a rural school district.

c. One representative of an urban early learning coalition.

d. One representative of an early learning provider that offers the Voluntary Prekindergarten Education Program.

e. One member who is a kindergarten teacher with at least 5 years of teaching experience.

f. Two representatives with subject matter expertise in early learning, early grade success, or child assessment.

(5) The four representatives with subject matter expertise in sub-subparagraphs (4)(b)2.f. and (4)(b)3.f. may not be direct stakeholders within the early learning or public school systems or potential recipients of a contract resulting from the council's recommendations.

(6) The council shall elect a chair and vice chair, one of whom must be a member who has subject matter expertise in early learning, early grade success, or child assessments. The vice chair must be a member appointed by the President of the Senate or the Speaker of the House of Representatives who is not one of the four members with subject matter expertise in early learning, early grade success, or child assessments. Members of the council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(7) The council must meet at least biannually and may meet



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by teleconference or other electronic means, if possible, to  
reduce costs.

(8) A majority of the members constitutes a quorum.

Section 31. Present paragraphs (b) and (c) of subsection  
(5) of section 1008.25, Florida Statutes, are redesignated as  
paragraphs (c) and (d), respectively, a new paragraph (b) is  
added to that subsection, and paragraph (b) of subsection (6),  
subsection (7), and paragraph (a) of subsection (8) are amended,  
to read:

1008.25 Public school student progression; student support;  
reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) Any Voluntary Prekindergarten Education Program student  
who exhibits a substantial deficiency in early literacy in  
accordance with the standards under s. 1002.67(1)(a) and based  
upon the results of the administration of the final coordinated  
screening and progress monitoring under s. 1008.2125 shall be  
referred to the local school district and may be eligible to  
receive intensive reading interventions before participating in  
kindergarten. Such intensive reading interventions shall be paid  
for using funds from the district's research-based reading  
instruction allocation in accordance with s. 1011.62(9).

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from  
mandatory retention, as provided in paragraph (5)(c) ~~(5)(b)~~, for  
good cause. A student who is promoted to grade 4 with a good  
cause exemption shall be provided intensive reading instruction  
and intervention that include specialized diagnostic information  
and specific reading strategies to meet the needs of each



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student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3.



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6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under paragraph (5) (c) ~~(5) (b)~~ must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency and prepare the student for promotion to the next grade. These interventions must include:

1. Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.

2. Participation in the school district's summer reading camp, which must incorporate the instructional and intervention strategies under subparagraph 1.

3. A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating the instructional and intervention strategies under subparagraph 1. This instruction may include:

a. Integration of content-rich texts in science and social studies within the 90-minute block.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. More frequent progress monitoring.

e. Tutoring or mentoring.

f. Transition classes containing 3rd and 4th grade



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students.

g. Extended school day, week, or year.

(b) Each school district shall:

1. Provide written notification to the parent of a student who is retained under paragraph (5) (c) ~~(5) (b)~~ that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6) (b). The notification must comply with paragraph (5) (d) ~~(5) (e)~~ and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

2. Implement a policy for the midyear promotion of a student retained under paragraph (5) (c) ~~(5) (b)~~ who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

3. Provide students who are retained under paragraph (5) (c)



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~~(5) (b)~~, including students participating in the school district's summer reading camp under subparagraph (a)2., with a highly effective teacher as determined by the teacher's performance evaluation under s. 1012.34, and, beginning July 1, 2020, the teacher must also be certified or endorsed in reading.

4. Establish at each school, when applicable, an intensive reading acceleration course for any student retained in grade 3 who was previously retained in kindergarten, grade 1, or grade 2. The intensive reading acceleration course must provide the following:

a. Uninterrupted reading instruction for the majority of student contact time each day and opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas through content-rich texts.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. The use of explicit, systematic, and multisensory reading interventions, including intensive language, phonics, and vocabulary instruction, and use of a speech-language therapist if necessary, that have proven results in accelerating student reading achievement within the same school year.

e. A read-at-home plan.

(8) ANNUAL REPORT.—

(a) In addition to the requirements in paragraph (5) (c) ~~(5) (b)~~, each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the



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student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, response to intensive interventions provided under paragraph (5)(a), and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

Section 32. Subsection (9) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12, including certain students who exhibit a substantial deficiency in early literacy and who completed the Voluntary Prekindergarten Education Program pursuant to s. 1008.25(5)(b). Each school district that has one or more of the 300 lowest-performing elementary schools based on a 3-year average of the state reading assessment data must use the school's portion of the allocation to provide an additional hour per day of intensive reading instruction for the students in each school. The additional hour may be provided within the school day. Students enrolled in these schools who earned a level 4 or level 5 score on the statewide, standardized English





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Language Arts assessment for the previous school year may participate in the additional hour of instruction. Exceptional student education centers may not be included in the 300 schools. The intensive reading instruction delivered in this additional hour shall include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs and certain students who exhibit a substantial deficiency in early literacy and who completed the Voluntary Prekindergarten Education Program pursuant to s. 1008.25(5)(b), which may include the following:



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1. An additional hour per day of evidence-based intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading as required in paragraph (a).

2. Kindergarten through grade 5 evidence-based ~~reading intervention~~ teachers to provide intensive reading interventions provided by reading intervention teachers ~~intervention~~ during the school day and in the required extra hour for students identified as having a reading deficiency.

3. Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help school district teachers earn a certification or an endorsement in reading.

5. Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, ~~and~~ students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment, and certain students who exhibit a substantial deficiency in early literacy and who completed the Voluntary Prekindergarten



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Education Program pursuant to s. 1008.25(5)(b).

6. Scientifically researched and evidence-based  
supplemental instructional materials ~~that are grounded in~~  
~~scientifically based reading research~~ as identified by the Just  
Read, Florida! Office pursuant to s. 1001.215(8).

7. Evidence-based intensive interventions for students in  
kindergarten through grade 12 who have been identified as having  
a reading deficiency or who are reading below grade level as  
determined by the statewide, standardized English Language Arts  
assessment or for certain students who exhibit a substantial  
deficiency in early literacy and who completed the Voluntary  
Prekindergarten Education Program pursuant to s. 1008.25(5)(b).

(d)1. Annually, by a date determined by the Department of  
Education but before May 1, school districts shall submit a ~~K-12~~  
comprehensive reading plan for the specific use of the research-  
based reading instruction allocation in the format prescribed by  
the department for review and approval by the Just Read,  
Florida! Office created pursuant to s. 1001.215. The plan  
annually submitted by school districts shall be deemed approved  
unless the department rejects the plan on or before June 1. If a  
school district and the Just Read, Florida! Office cannot reach  
agreement on the contents of the plan, the school district may  
appeal to the State Board of Education for resolution. School  
districts shall be allowed reasonable flexibility in designing  
their plans and shall be encouraged to offer reading  
intervention through innovative methods, including career  
academies. The plan format shall be developed with input from  
school district personnel, including teachers and principals,  
and shall provide for intensive reading interventions through



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integrated curricula, provided that, beginning with the 2020-2021 school year, the interventions are delivered by a teacher who is certified or endorsed in reading. Such interventions must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8). No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.

2. Each school district that has a school designated as one of the 300 lowest-performing elementary schools as specified in paragraph (a) shall specifically delineate in the comprehensive reading plan, or in an addendum to the comprehensive reading plan, the implementation design and reading intervention strategies that will be used for the required additional hour of reading instruction. The term "reading intervention" includes evidence-based strategies frequently used to remediate reading deficiencies and also includes individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.



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For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes.

Section 33. This act shall take effect July 1, 2021.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to early learning and early grade success; amending s. 39.604, F.S.; revising approved child care or early education settings for the placement of certain children; conforming cross-references; amending ss. 212.08 and 402.26, F.S.; conforming provisions and cross-references to changes made by the act; providing for a type two transfer of the Gold Seal Quality Care program in the Department of Children and Families to the Office of Early Learning; providing for the continuation of certain contracts and interagency agreements; amending ss. 402.315 and 1001.213, F.S.; conforming cross-references; amending ss. 1001.215 and 1001.23, F.S.; conforming provisions to changes made by the act; amending s. 1002.53, F.S.; revising the requirements for certain program provider profiles; requiring each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program to allow his or her child to participate in a specified screening and



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2476 progress monitoring program; amending s. 1002.32,  
2477 F.S.; conforming cross-references; amending s.  
2478 1002.55, F.S.; authorizing certain child development  
2479 programs operating on a military installation to be  
2480 private prekindergarten providers within the Voluntary  
2481 Prekindergarten Education Program; providing that a  
2482 private prekindergarten provider is ineligible for  
2483 participation in the program under certain  
2484 circumstances; revising requirements for  
2485 prekindergarten instructors; revising requirements for  
2486 specified courses for prekindergarten instructors;  
2487 providing that a private school administrator who  
2488 holds a specified certificate meets certain credential  
2489 requirements; providing liability insurance  
2490 requirements for child development programs operating  
2491 on a military installation participating in the  
2492 program; requiring early learning coalitions to verify  
2493 private prekindergarten provider compliance with  
2494 specified provisions; requiring such coalitions to  
2495 remove a provider's eligibility under specified  
2496 circumstances; conforming provisions to changes made  
2497 by the act; amending s. 1002.57, F.S.; revising the  
2498 minimum standards for a credential for certain  
2499 prekindergarten directors; amending s. 1002.59, F.S.;  
2500 revising requirements for emergent literacy and  
2501 performance standards training courses for  
2502 prekindergarten instructors; requiring the department  
2503 to make certain courses available online; amending s.  
2504 1002.61, F.S.; authorizing certain child development



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2505 programs operating on a military installation to be  
2506 private prekindergarten providers within the summer  
2507 Voluntary Prekindergarten Education Program;  
2508 conforming a provision to changes made by the act;  
2509 revising the criteria for a teacher to receive  
2510 priority for the summer program in a school district;  
2511 requiring a child development program operating on a  
2512 military installation to comply with specified  
2513 criteria; requiring early learning coalitions to  
2514 verify specified information; providing for the  
2515 removal of a program provider or public school from  
2516 eligibility under certain circumstances; amending s.  
2517 1002.63, F.S.; conforming a provision to changes made  
2518 by the act; requiring early learning coalitions to  
2519 verify specified information; providing for the  
2520 removal of public schools from the program under  
2521 certain circumstances; amending s. 1002.67, F.S.;  
2522 revising the performance standards for the Voluntary  
2523 Prekindergarten Education Program; requiring the  
2524 department to review and revise performance standards  
2525 on a specified schedule; revising curriculum  
2526 requirements for the program; conforming a provision  
2527 to changes made by the act; requiring the office to  
2528 adopt procedures for the review and approval of  
2529 curricula for the program; deleting a required  
2530 preassessment and postassessment for the program;  
2531 creating s. 1002.68, F.S.; requiring providers of the  
2532 Voluntary Prekindergarten Education Program to  
2533 participate in a specified screening and progress



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2534 monitoring program; providing specified uses for the  
2535 results of such program; requiring certain portions of  
2536 the screening and progress monitoring program to be  
2537 administered by individuals who meet specified  
2538 criteria; requiring the results of the screening and  
2539 monitoring to be reported to the parents of  
2540 participating students; requiring providers to  
2541 participate in a program assessment; providing  
2542 requirements for such assessments; providing office  
2543 duties and responsibilities relating to such  
2544 assessments; providing requirements for a specified  
2545 methodology used to calculate the results of such  
2546 assessments; requiring the department to establish a  
2547 designation system for program providers; providing  
2548 for the adoption of a minimum performance metric or  
2549 designation for program participation; providing  
2550 procedures for a provider whose score or designation  
2551 falls below the minimum requirement; providing for the  
2552 revocation of program eligibility for a provider;  
2553 authorizing the department to grant good cause  
2554 exemptions to providers under certain circumstances;  
2555 providing office and provider requirements for such  
2556 exemptions; requiring an annual meeting of  
2557 representatives from specified entities to develop  
2558 certain strategies; repealing s. 1002.69, F.S.,  
2559 relating to statewide kindergarten screening and  
2560 readiness rates; amending s. 1002.73, F.S.; requiring  
2561 the office to adopt a statewide provider contract;  
2562 requiring such contract to be published on the





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2563 office's website; providing requirements for such  
2564 contract; prohibiting providers from offering services  
2565 during an appeal of termination from the program;  
2566 providing applicability; requiring the office to adopt  
2567 specified procedures relating to the Voluntary  
2568 Prekindergarten Education Program; providing duties of  
2569 the office relating to such program; repealing s.  
2570 1002.75, F.S., relating to the powers and duties of  
2571 the Office of Early Learning; amending 1002.81, F.S.;  
2572 conforming provisions and cross-references to changes  
2573 made by the act; amending s. 1002.82, F.S.; providing  
2574 duties of the office relating to early learning;  
2575 authorizing an alternative model for the calculation  
2576 of prevailing market rate; exempting certain child  
2577 development programs operating on a military  
2578 installation from specified inspection requirements;  
2579 requiring the office to monitor specified standards  
2580 and benchmarks for certain purposes; revising the age  
2581 range used for specified standards; requiring the  
2582 office to provide specified technical support;  
2583 revising requirements for a specified assessment  
2584 program; requiring the office to adopt requirements to  
2585 make certain contracted slots available to serve  
2586 specified populations; requiring the office to adopt  
2587 certain standards and outcome measures including  
2588 specified surveys; requiring the office to adopt  
2589 procedures for the merging of early learning  
2590 coalitions; revising the requirements for a specified  
2591 report; amending s. 1002.83, F.S.; revising the number



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2592 of authorized early learning coalitions; revising the  
2593 number of and requirements for members of an early  
2594 learning coalition; revising and adding requirements  
2595 for such coalitions; amending s. 1002.84, F.S.;  
2596 revising early learning coalition responsibilities and  
2597 duties; conforming a cross-reference; revising  
2598 requirements for the waiver of specified copayments;  
2599 amending s. 1002.85, F.S.; revising the requirements  
2600 for school readiness program plans; amending s.  
2601 1002.88, F.S.; authorizing certain child development  
2602 programs operating on military installations to  
2603 participate in the school readiness program; revising  
2604 requirements to deliver such program; providing that a  
2605 specified annual inspection for a child development  
2606 program participating in the school readiness program  
2607 meets certain provider requirements; providing  
2608 requirements for a child development program to meet  
2609 certain liability requirements; amending s. 1002.895,  
2610 F.S.; requiring the office to adopt certain procedures  
2611 until a specified event; conforming provisions to  
2612 changes made by the act; amending s. 1002.92, F.S.;  
2613 conforming a cross-reference; revising the  
2614 requirements for specified services that child care  
2615 resource and referral agencies must provide;  
2616 transferring, renumbering, and amending s. 402.281,  
2617 F.S.; revising the requirements of the Gold Seal  
2618 Quality Care program; requiring the Office of Early  
2619 Learning to adopt specified rules; revising  
2620 accrediting association requirements; providing



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2621 requirements for accrediting associations; requiring  
2622 the department to establish a specified process;  
2623 providing requirements for such process; deleting a  
2624 requirement for the department to consult certain  
2625 entities for specified purposes; providing  
2626 requirements for certain providers to maintain Gold  
2627 Seal Quality Care status; providing exemptions to  
2628 certain ad valorem taxes; providing rate differentials  
2629 to certain providers; creating s. 1008.2125, F.S.;  
2630 creating the coordinated screening and progress  
2631 monitoring program within the department for specified  
2632 purposes; requiring the Commissioner of Education to  
2633 design such program; providing requirements for the  
2634 administration of such program and the use of results  
2635 from the program; providing requirements for the  
2636 commissioner; creating the Council for Early Grade  
2637 Success within the department; providing duties of the  
2638 council; providing membership of the council;  
2639 requiring the council to elect a chair and a vice  
2640 chair; providing requirements for such appointments;  
2641 providing for per diem for members of the council;  
2642 providing meeting requirements for the council;  
2643 providing for a quorum of the council; amending s.  
2644 1008.25, F.S.; authorizing certain students enrolled  
2645 in the Voluntary Prekindergarten Education Program to  
2646 receive intensive reading interventions using  
2647 specified funds; amending s. 1011.62, F.S.; revising  
2648 the research-based reading instruction allocation to  
2649 authorize the use of such funds for certain intensive



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2650 reading interventions for certain students; revising  
2651 the requirements for specified reading instruction and  
2652 interventions; defining the term "evidence-based";  
2653 providing an effective date.

By Senator Harrell

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1 A bill to be entitled  
 2 An act relating to early learning and early grade  
 3 success; amending s. 20.055, F.S.; conforming  
 4 provisions to changes made by the act; amending s.  
 5 20.15, F.S.; deleting the Office of Early Learning  
 6 from within the Office of Independent Education and  
 7 Parental Choice of the Department of Education;  
 8 establishing the Division of Early Learning within the  
 9 department; amending s. 39.202, F.S.; conforming  
 10 provisions to changes made by the act; amending s.  
 11 39.604, F.S.; revising approved child care or early  
 12 education settings for the placement of certain  
 13 children; conforming a cross-reference to changes made  
 14 by the act; amending s. 212.08, F.S.; conforming  
 15 provisions and cross-references to changes made by the  
 16 act; ss. 216.136, 383.14, 391.308, and 402.26, F.S.;  
 17 conforming provisions to changes made by the act;  
 18 transferring, renumbering, and amending s. 402.281,  
 19 F.S.; revising the requirements of the Gold Seal  
 20 Quality Care program; requiring the State Board of  
 21 Education to adopt specified rules; revising  
 22 accrediting association requirements; providing  
 23 requirements for accrediting associations; requiring  
 24 the department to establish a specified process;  
 25 providing requirements for such process; deleting a  
 26 requirement for the department to consult certain  
 27 entities for specified purposes; providing  
 28 requirements for certain providers to maintain Gold  
 29 Seal Quality Care status; providing exemptions to

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30 certain ad valorem taxes; providing rate differentials  
 31 to certain providers; providing for a type two  
 32 transfer of the Gold Seal Quality Care program in the  
 33 Department of Children and Families to the Department  
 34 of Education; providing for the continuation of  
 35 certain contracts and interagency agreements; amending  
 36 s. 402.315, F.S.; conforming a cross-reference;  
 37 amending s. 402.56, F.S.; revising the membership of  
 38 the Children and Youth Cabinet; amending ss. 411.227,  
 39 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21,  
 40 1001.02, 1001.03, 1001.10, and 1001.11, F.S.;  
 41 conforming provisions to changes made by the act;  
 42 repealing s. 1001.213, F.S., relating to the Office of  
 43 Early Learning; amending ss. 1001.215, 1001.23,  
 44 1001.70, 1001.706, F.S.; conforming provisions to  
 45 changes made by the act; amending ss. 1002.22,  
 46 1002.32, F.S.; conforming cross-references; amending  
 47 ss. 1002.34, and 1002.36, F.S.; conforming provisions  
 48 and to changes made by the act; amending s. 1002.53,  
 49 F.S.; revising the requirements for certain program  
 50 provider profiles; requiring each parent who enrolls  
 51 his or her child in the Voluntary Prekindergarten  
 52 Education Program to allow his or her child to  
 53 participate in a specified screening and progress  
 54 monitoring program; amending s. 1002.55, F.S.;  
 55 authorizing certain child development programs  
 56 operating on a military installation to be private  
 57 prekindergarten providers within the Voluntary  
 58 Prekindergarten Education Program; providing that a

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59 private prekindergarten provider is ineligible for  
 60 participation in the program under certain  
 61 circumstances; revising requirements for  
 62 prekindergarten instructors; revising requirements for  
 63 specified courses for prekindergarten instructors;  
 64 providing that a private school administrator who  
 65 holds a specified certificate meets certain credential  
 66 requirements; providing liability insurance  
 67 requirements for child development programs operating  
 68 on a military installation participating in the  
 69 program; requiring early learning coalitions to verify  
 70 private prekindergarten provider compliance with  
 71 specified provisions; requiring such coalitions to  
 72 remove a provider from eligibility under specified  
 73 circumstances; amending s. 1002.57, F.S.; revising the  
 74 minimum standards for a credential for certain  
 75 prekindergarten directors; amending s. 1002.59, F.S.;  
 76 revising requirements for emergent literacy and  
 77 performance standards training courses for  
 78 prekindergarten instructors; requiring the department  
 79 to make certain courses available; amending s.  
 80 1002.61, F.S.; authorizing certain child development  
 81 programs operating on a military installation to be  
 82 private prekindergarten providers within the summer  
 83 Voluntary Prekindergarten Education Program; revising  
 84 the criteria for a teacher to receive priority for the  
 85 summer program in school district; requiring a child  
 86 development program operating on a military  
 87 installation to comply with specified criteria;

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88 requiring early learning coalitions to verify  
 89 specified information; providing for the removal of a  
 90 program provider or public school from eligibility  
 91 under certain circumstances; amending s. 1002.63,  
 92 F.S.; requiring early learning coalitions to verify  
 93 specified information; providing for the removal of  
 94 public schools from the program under certain  
 95 circumstances; amending s. 1002.67, F.S.; revising the  
 96 performance standards for the Voluntary  
 97 Prekindergarten Education Program; requiring the  
 98 department to review and revise performance standards  
 99 on a specified schedule; revising curriculum  
 100 requirements for the program; requiring the department  
 101 to adopt procedures for the review and approval of  
 102 curricula for the program; deleting a required  
 103 preassessment and postassessment for the program;  
 104 creating s. 1002.68, F.S.; requiring providers of the  
 105 Voluntary Prekindergarten Education Program to  
 106 participate in a specified screening and progress  
 107 monitoring program; providing specified uses for the  
 108 results of such program; requiring certain portions of  
 109 the screening and progress monitoring program to be  
 110 administered by individuals who meet specified  
 111 criteria; requiring the results of specified  
 112 assessments to be reported to the parents of  
 113 participating students; providing requirements for  
 114 assessments of voluntary prekindergarten education  
 115 classrooms; providing department duties and  
 116 responsibilities relating to such assessments;

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117 providing requirements for a specified methodology  
 118 used to calculate the results of such assessments;  
 119 requiring the department to establish a designation  
 120 system for program providers; providing for the  
 121 adoption of a minimum performance metric or  
 122 designation for program participation; providing  
 123 procedures for a provider whose score or designation  
 124 falls below the minimum requirement; providing for the  
 125 revocation of program eligibility for a provider;  
 126 authorizing the department to grant good cause  
 127 exemptions to providers under certain circumstances;  
 128 providing department and provider requirements for  
 129 such exemptions; requiring an annual meeting of  
 130 representatives from specified entities to develop  
 131 certain strategies; repealing s. 1002.69, F.S.,  
 132 relating to statewide kindergarten screening and  
 133 readiness rates; amending ss. 1002.71 and 1002.72,  
 134 F.S.; conforming provisions to changes made by the  
 135 act; amending s. 1002.73, F.S.; requiring the  
 136 department to adopt a standard statewide provider  
 137 contract; requiring such contract to be published on  
 138 the department's website; providing requirements for  
 139 such contract; prohibiting providers from offering  
 140 services during an appeal of termination from the  
 141 program; providing applicability; requiring the  
 142 department to adopt specified procedures relating to  
 143 the Voluntary Prekindergarten Education Program;  
 144 providing duties of the department relating to such  
 145 program; repealing s. 1002.75, F.S., relating to the

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146 powers and duties of the Office of Early Learning;  
 147 amending ss. 1002.79 and 1002.81, F.S.; conforming  
 148 provisions and cross-references to changes made by the  
 149 act; amending s. 1002.82, F.S.; providing duties of  
 150 the department relating to early learning; exempting  
 151 certain child development programs operating on a  
 152 military installation from specified inspection  
 153 requirements; requiring the department to monitor  
 154 specified standards and benchmarks for certain  
 155 purposes; revising the age range used for specified  
 156 standards; requiring the department to provide  
 157 specified technical support; revising requirements for  
 158 a specified assessment program; requiring the  
 159 department to adopt requirements to make certain  
 160 contracted slots available to serve specified  
 161 populations; requiring the department adopt certain  
 162 standards and outcome measures including specified  
 163 surveys; requiring the department to adopt procedures  
 164 for the merging of early learning coalitions; revising  
 165 the requirements for a specified report; amending s.  
 166 1002.83, F.S.; revising the number of authorized early  
 167 learning coalitions; revising the number of and  
 168 requirements for members of an early learning  
 169 coalition; revising and adding requirements for such  
 170 coalitions; amending s. 1002.84, F.S.; revising early  
 171 learning coalition responsibilities and duties;  
 172 revising requirements for the waiver of specified  
 173 copayments; amending s. 1002.85, F.S.; revising the  
 174 requirements for school readiness program plans;

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175 amending s. 1002.88, F.S.; authorizing certain child  
 176 development programs operating on military  
 177 installations to participate in the school readiness  
 178 program; revising requirements to deliver such  
 179 program; providing that a specified annual inspection  
 180 for a child development program participating in the  
 181 school readiness program meets certain provider  
 182 requirements; providing requirements for a child  
 183 development program to meet certain liability  
 184 requirements; amending ss. 1002.89, 1002.895, and  
 185 1002.91, F.S.; conforming provisions and cross-  
 186 references to changes made by the act; amending s.  
 187 1002.92, F.S.; revising the requirements for specified  
 188 services that child care resources and referral  
 189 agencies must provide; amending s. 1002.93, F.S.;  
 190 conforming provisions to changes made by the act;  
 191 repealing s. 1002.94, F.S., relating to the Child Care  
 192 Executive Partnership Program; amending ss. 1002.95,  
 193 1002.96, 1002.97, 1002.995, and 1007.01, F.S.;  
 194 conforming provisions to changes made by the act;  
 195 creating s. 1008.2125, F.S.; creating the coordinated  
 196 screening and progress monitoring program within the  
 197 department for specified purposes; requiring the  
 198 Commissioner of Education to design such program;  
 199 providing requirements for the administration of such  
 200 program and the use of results from the program;  
 201 providing requirements for the commissioner; creating  
 202 the Council for Early Grade Success; providing duties  
 203 of the council; providing membership of the council;

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204 requiring the council to elect a chair and a vice  
 205 chair; providing requirements for such appointments;  
 206 providing for per diem for members of the council;  
 207 providing meeting requirements for the council;  
 208 providing for a quorum of the council; amending s.  
 209 1008.25, F.S.; authorizing certain students who  
 210 enrolled in the Voluntary Prekindergarten Education  
 211 Program to receive intensive reading interventions  
 212 using specified funds; amending ss. 1008.31, 1008.32,  
 213 and 1008.33, F.S.; conforming provisions to changes  
 214 made by the act; amending s. 1011.62, F.S.; revising  
 215 the research-based reading instruction allocation to  
 216 authorize the use of such funds for certain intensive  
 217 reading interventions for certain students; revising  
 218 the requirements for specified reading instruction and  
 219 interventions; defining the term "evidence-based";  
 220 providing appropriations; providing requirements for  
 221 the use of such funds; providing an effective date.

222  
223 Be It Enacted by the Legislature of the State of Florida:

224  
225 Section 1. Paragraphs (a) and (d) of subsection (1) of  
226 section 20.055, Florida Statutes, are amended to read:

227 20.055 Agency inspectors general.—

228 (1) As used in this section, the term:

229 (a) "Agency head" means the Governor, a Cabinet officer, or  
 230 a secretary or executive director as those terms are defined in  
 231 s. 20.03, the chair of the Public Service Commission, the  
 232 Director of the Office of Insurance Regulation of the Financial

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Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, ~~the executive director of the Office of Early Learning,~~ and the Chief Justice of the State Supreme Court.

(d) "State agency" means each department created pursuant to this chapter and the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, ~~the Office of Early Learning,~~ and the state courts system.

Section 2. Present paragraphs (c) through (j) of subsection (3) of section 20.15, Florida Statutes, are redesignated as paragraphs (d) through (k), respectively, a new paragraph (c) is added to that subsection, and present paragraph (i) of subsection (3) and subsection (5) of that section are amended, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(c) Division of Early Learning.

(j) ~~(i)~~ The Office of Independent Education and Parental Choice, which must include ~~the following offices:~~

~~1. The Office of Early Learning, which shall be administered by an executive director who is fully accountable~~

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~~to the Commissioner of Education. The executive director shall, pursuant to s. 1001.213, administer the early learning programs, including the school readiness program and the Voluntary Prekindergarten Education Program at the state level.~~

~~2.~~ the Office of K-12 School Choice, which shall be administered by an executive director who is fully accountable to the Commissioner of Education.

(5) POWERS AND DUTIES.—The State Board of Education and the Commissioner of Education shall assign to the divisions such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of education for students in Early Learning-20 K-20 education under the jurisdiction of the State Board of Education.

Section 3. Paragraph (a) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of, or other identifying information with respect to, the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, the Agency for Persons with Disabilities, the Department of Education ~~Office of Early Learning,~~ or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;

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291 3. Early intervention and prevention services;  
 292 4. Healthy Start services;  
 293 5. Licensure or approval of adoptive homes, foster homes,  
 294 child care facilities, facilities licensed under chapter 393,  
 295 family day care homes, providers who receive school readiness  
 296 funding under part VI of chapter 1002, or other homes used to  
 297 provide for the care and welfare of children;  
 298 6. Employment screening for caregivers in residential group  
 299 homes; or  
 300 7. Services for victims of domestic violence when provided  
 301 by certified domestic violence centers working at the  
 302 department's request as case consultants or with shared clients.  
 303  
 304 Also, employees or agents of the Department of Juvenile Justice  
 305 responsible for the provision of services to children, pursuant  
 306 to chapters 984 and 985.  
 307 Section 4. Paragraph (b) of subsection (5) of section  
 308 39.604, Florida Statutes, is amended to read:  
 309 39.604 Rilya Wilson Act; short title; legislative intent;  
 310 child care; early education; preschool.—  
 311 (5) EDUCATIONAL STABILITY.—Just as educational stability is  
 312 important for school-age children, it is also important to  
 313 minimize disruptions to secure attachments and stable  
 314 relationships with supportive caregivers of children from birth  
 315 to school age and to ensure that these attachments are not  
 316 disrupted due to placement in out-of-home care or subsequent  
 317 changes in out-of-home placement.  
 318 (b) If it is not in the best interest of the child for him  
 319 or her to remain in his or her child care or early education

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320 setting upon entry into out-of-home care, the caregiver must  
 321 work with the case manager, guardian ad litem, child care and  
 322 educational staff, and educational surrogate, if one has been  
 323 appointed, to determine the best setting for the child. Such  
 324 setting may be a child care provider that receives a Gold Seal  
 325 Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a  
 326 ~~provider participating in a quality rating system~~, a licensed  
 327 child care provider, a public school provider, or a license-  
 328 exempt child care provider, including religious-exempt and  
 329 registered providers, and nonpublic schools.  
 330 Section 5. Paragraph (m) of subsection (5) of section  
 331 212.08, Florida Statutes, is amended to read:  
 332 212.08 Sales, rental, use, consumption, distribution, and  
 333 storage tax; specified exemptions.—The sale at retail, the  
 334 rental, the use, the consumption, the distribution, and the  
 335 storage to be used or consumed in this state of the following  
 336 are hereby specifically exempt from the tax imposed by this  
 337 chapter.  
 338 (5) EXEMPTIONS; ACCOUNT OF USE.—  
 339 (m) *Educational materials purchased by certain child care*  
 340 *facilities.*—Educational materials, such as glue, paper, paints,  
 341 crayons, unique craft items, scissors, books, ~~and~~ educational  
 342 toys, purchased by a child care facility that meets the  
 343 standards delineated in s. 402.305, is licensed under s.  
 344 402.308, holds a current Gold Seal Quality Care designation  
 345 pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health  
 346 insurance to all employees are exempt from the taxes imposed by  
 347 this chapter. For purposes of this paragraph, the term "basic  
 348 health insurance" shall be defined and promulgated in rules

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349 developed jointly by the Department of Education ~~Children and~~  
 350 ~~Families~~, the Agency for Health Care Administration, and the  
 351 Financial Services Commission.

352 Section 6. Paragraph (b) of subsection (8) of section  
 353 216.136, Florida Statutes, is amended to read:

354 216.136 Consensus estimating conferences; duties and  
 355 principals.—

356 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

357 (b) The Division ~~Office~~ of Early Learning shall provide  
 358 information on needs and waiting lists for school readiness  
 359 programs, and information on the needs for the Voluntary  
 360 Prekindergarten Education Program, as requested by the Early  
 361 Learning Programs Estimating Conference or individual conference  
 362 principals in a timely manner.

363 Section 7. Paragraph (b) of subsection (1) and paragraph  
 364 (b) of subsection (2) of section 383.14, Florida Statutes, are  
 365 amended to read:

366 383.14 Screening for metabolic disorders, other hereditary  
 367 and congenital disorders, and environmental risk factors.—

368 (1) SCREENING REQUIREMENTS.—To help ensure access to the  
 369 maternal and child health care system, the Department of Health  
 370 shall promote the screening of all newborns born in Florida for  
 371 metabolic, hereditary, and congenital disorders known to result  
 372 in significant impairment of health or intellect, as screening  
 373 programs accepted by current medical practice become available  
 374 and practical in the judgment of the department. The department  
 375 shall also promote the identification and screening of all  
 376 newborns in this state and their families for environmental risk  
 377 factors such as low income, poor education, maternal and family

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378 stress, emotional instability, substance abuse, and other high-  
 379 risk conditions associated with increased risk of infant  
 380 mortality and morbidity to provide early intervention,  
 381 remediation, and prevention services, including, but not limited  
 382 to, parent support and training programs, home visitation, and  
 383 case management. Identification, perinatal screening, and  
 384 intervention efforts shall begin prior to and immediately  
 385 following the birth of the child by the attending health care  
 386 provider. Such efforts shall be conducted in hospitals,  
 387 perinatal centers, county health departments, school health  
 388 programs that provide prenatal care, and birthing centers, and  
 389 reported to the Office of Vital Statistics.

390 (b) *Postnatal screening.*—A risk factor analysis using the  
 391 department's designated risk assessment instrument shall also be  
 392 conducted as part of the medical screening process upon the  
 393 birth of a child and submitted to the department's Office of  
 394 Vital Statistics for recording and other purposes provided for  
 395 in this chapter. The department's screening process for risk  
 396 assessment shall include a scoring mechanism and procedures that  
 397 establish thresholds for notification, further assessment,  
 398 referral, and eligibility for services by professionals or  
 399 paraprofessionals consistent with the level of risk. Procedures  
 400 for developing and using the screening instrument, notification,  
 401 referral, and care coordination services, reporting  
 402 requirements, management information, and maintenance of a  
 403 computer-driven registry in the Office of Vital Statistics which  
 404 ensures privacy safeguards must be consistent with the  
 405 provisions and plans established under chapter 411, Pub. L. No.  
 406 99-457, and this chapter. Procedures established for reporting

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information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Newborn Screening Advisory Council and the Department of Education ~~Office of Early Learning~~.

## (2) RULES.—

(b) After consultation with the Department of Education ~~Office of Early Learning~~, the department shall adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes.

Section 8. Paragraph (h) of subsection (2) of section 391.308, Florida Statutes, is amended to read:

391.308 Early Steps Program.—The department shall implement and administer part C of the federal Individuals with Disabilities Education Act (IDEA), which shall be known as the "Early Steps Program."

(2) DUTIES OF THE DEPARTMENT.—The department shall:

(h) Promote interagency cooperation and coordination, with

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the Medicaid program, the Department of Education program pursuant to part B of the federal Individuals with Disabilities Education Act, and programs providing child screening such as the Florida Diagnostic and Learning Resources System, ~~the Office of Early Learning~~, Healthy Start, and the Help Me Grow program.

1. Coordination with the Medicaid program shall be developed and maintained through written agreements with the Agency for Health Care Administration and Medicaid managed care organizations as well as through active and ongoing communication with these organizations. The department shall assist local program offices to negotiate agreements with Medicaid managed care organizations in the service areas of the local program offices. Such agreements may be formal or informal.

2. Coordination with education programs pursuant to part B of the federal Individuals with Disabilities Education Act shall be developed and maintained through written agreements with the Department of Education. The department shall assist local program offices to negotiate agreements with school districts in the service areas of the local program offices.

Section 9. Subsection (6) of section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

~~(6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s.~~

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~~196.198.~~

Section 10. Section 402.281, Florida Statutes, is transferred, renumbered as section 1002.945, Florida Statutes, and amended to read:

1002.945 ~~402.281~~ Gold Seal Quality Care program.—

(1) (a) There is established within the Department of Education the Gold Seal Quality Care program.

(b) A child care facility, large family child care home, or family day care home that is accredited by an accrediting association approved by the Department of Education under subsection (3) and meets all other requirements shall, upon application to the department, receive a separate "Gold Seal Quality Care" designation.

(2) The State Board of Education ~~department~~ shall adopt rules establishing Gold Seal Quality Care accreditation standards using nationally recognized accrediting standards and input from accrediting associations based on the applicable ~~accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.~~

(3) (a) In order to be approved by the Department of Education for participation in the Gold Seal Quality Care program, an accrediting association must apply to the department and demonstrate that it:

1. Is a recognized accrediting association.

2. Has accrediting standards that substantially meet or exceed the Gold Seal Quality Care standards adopted by the state board ~~department~~ under subsection (2).

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3. Is a registered corporation with the Department of State.

4. Can provide evidence that the process for accreditation has, at a minimum, all of the following components:

a. Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process. However, accreditation may not be granted to a child care facility, large family child care home, or family day care home before the site is operational and is attended by children.

b. Procedures for completion of a self-study and comprehensive onsite verification process for each classroom that documents compliance with accrediting standards.

c. A training process for accreditation verifiers to ensure inter-rater reliability.

d. Ongoing compliance procedures that include requiring each accredited child care facility, large family child care home, and family day care home to file an annual report with the accrediting association and risk-based, onsite auditing protocols for accredited child care facilities, large family child care homes, and family day care homes.

e. Procedures for the revocation of accreditation due to failure to maintain accrediting standards as evidenced by sub-subparagraph d. or any other relevant information received by the accrediting association.

f. Accreditation renewal procedures that include an onsite verification occurring at least every 5 years.

g. A process for verifying continued accreditation compliance in the event of a transfer of ownership of facilities.

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h. A process to communicate issues that arise during the accreditation period with governmental entities that have a vested interest in the Gold Seal Quality Care program, including the Department of Education, the Department of Children and Families, the Department of Health, local licensing entities if applicable, and the early learning coalition.

(b) The Department of Education shall establish a process that verifies that the accrediting association meets the provisions of paragraph (a), which must include an auditing program and any other procedures that may reasonably determine an accrediting association's compliance with this section. If an accrediting association is not in compliance and fails to cure its deficiencies within 30 days, the department shall recommend to the state board termination of the accrediting association's participation as an accrediting association in the program for a period of at least 2 years but no more than 5 years. If an accrediting association is removed from being an approved accrediting association, each child care provider accredited by that association shall have up to 1 year to obtain a new accreditation from a department-approved accreditation association.

(c) If an accrediting association has granted accreditation to a child care facility, large family child care home, or family day care under fraudulent terms or has failed to conduct onsite verifications, the accrediting association shall be liable for the repayment of any rate differentials paid under subsection (6).

~~(b) In approving accrediting associations, the department shall consult with the Department of Education, the Florida Head~~

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~~Start Directors Association, the Florida Association of Child Care Management, the Florida Family Child Care Home Association, the Florida Children's Forum, the Florida Association for the Education of the Young, the Child Development Education Alliance, the Florida Association of Academic Nonpublic Schools, the Association of Early Learning Coalitions, providers receiving exemptions under s. 402.316, and parents.~~

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule of the Department of Children and Families, three or more times and

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failed to correct the violation within 1 year after the date of each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(d) Notwithstanding paragraph (a), if the Department of Education determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such provider's status is final.

(5) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing under s. 402.316 which achieves Gold Seal Quality status under this section shall be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax under s. 196.198.

(6) A child care facility licensed under s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316 which achieves Gold Seal Quality status under this section and which participates in the school readiness program shall receive a minimum of a 20 percent rate differential for each enrolled school readiness child by care level and unit of child care.

(7)(5) The state board ~~Department of Children and Families~~ shall adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for reviewing and approving accrediting

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associations for participation in the Gold Seal Quality Care program ~~and~~, conferring and revoking designations of Gold Seal Quality Care providers, ~~and classifying violations.~~

Section 11. Type two transfer from the Department of Children and Families.-

(1) All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the Gold Seal Quality Care program within the Department of Children and Families are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Education.

(2) Any binding contract or interagency agreement existing before July 1, 2021, between the Department of Children and Families, or an entity or agent of the department, and any other agency, entity, or person relating to the Gold Seal Quality Care program shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor entity responsible for the program, activity, or functions relative to the contract or agreement.

Section 12. Subsection (5) of section 402.315, Florida Statutes, is amended to read:

402.315 Funding; license fees.-

(5) All moneys collected by the department for child care licensing shall be held in a trust fund of the department to be reallocated to the department during the following fiscal year to fund child care licensing activities, including the Gold Seal

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639 Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.

640 Section 13. Paragraph (a) of subsection (4) of section

641 402.56, Florida Statutes, is amended to read:

642 402.56 Children's cabinet; organization; responsibilities;

643 annual report.—

644 (4) MEMBERS.—The cabinet shall consist of 16 members

645 including the Governor and the following persons:

646 (a)1. The Secretary of Children and Families;

647 2. The Secretary of Juvenile Justice;

648 3. The director of the Agency for Persons with

649 Disabilities;

650 4. A representative from the Division ~~The director of the~~

651 ~~Office of Early Learning;~~

652 5. The State Surgeon General;

653 6. The Secretary of Health Care Administration;

654 7. The Commissioner of Education;

655 8. The director of the Statewide Guardian Ad Litem Office;

656 9. A representative of the Office of Adoption and Child

657 Protection;

658 10. A superintendent of schools, appointed by the Governor;

659 and

660 11. Five members who represent children and youth advocacy

661 organizations and who are not service providers, appointed by

662 the Governor.

663 Section 14. Paragraph (d) of subsection (1), paragraph (a)

664 of subsection (2), and paragraph (c) of subsection (3) of

665 section 411.227, Florida Statutes, are amended to read:

666 411.227 Components of the Learning Gateway.—The Learning

667 Gateway system consists of the following components:

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668 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED

669 ACCESS.—

670 (d) In collaboration with other local resources, the

671 demonstration projects shall develop public awareness strategies

672 to disseminate information about developmental milestones,

673 precursors of learning problems and other developmental delays,

674 and the service system that is available. The information should

675 target parents of children from birth through age 9 and should

676 be distributed to parents, health care providers, and caregivers

677 of children from birth through age 9. A variety of media should

678 be used as appropriate, such as print, television, radio, and a

679 community-based Internet website, as well as opportunities such

680 as those presented by parent visits to physicians for well-child

681 checkups. The Learning Gateway Steering Committee shall provide

682 technical assistance to the local demonstration projects in

683 developing and distributing educational materials and

684 information.

685 1. Public awareness strategies targeting parents of

686 children from birth through age 5 shall be designed to provide

687 information to public and private preschool programs, child care

688 providers, pediatricians, parents, and local businesses and

689 organizations. These strategies should include information on

690 the school readiness performance standards adopted by the

691 Department of Education ~~Office of Early Learning~~.

692 2. Public awareness strategies targeting parents of

693 children from ages 6 through 9 must be designed to disseminate

694 training materials and brochures to parents and public and

695 private school personnel, and must be coordinated with the local

696 school board and the appropriate school advisory committees in



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697 the demonstration projects. The materials should contain  
 698 information on state and district proficiency levels for grades  
 699 K-3.

700 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

701 (a) In coordination with ~~the Office of Early Learning,~~ the  
 702 Department of Education, ~~and the Florida Pediatric Society,~~ and  
 703 using information learned from the local demonstration projects,  
 704 the Learning Gateway Steering Committee shall establish  
 705 guidelines for screening children from birth through age 9. The  
 706 guidelines should incorporate recent research on the indicators  
 707 most likely to predict early learning problems, mild  
 708 developmental delays, child-specific precursors of school  
 709 failure, and other related developmental indicators in the  
 710 domains of cognition; communication; attention; perception;  
 711 behavior; and social, emotional, sensory, and motor functioning.

712 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

713 (c) The steering committee, in cooperation with the  
 714 Department of Children and Families and the Department of  
 715 Education, ~~and the Office of Early Learning,~~ shall identify the  
 716 elements of an effective research-based curriculum for early  
 717 care and education programs.

718 Section 15. Subsection (1) of section 414.295, Florida  
 719 Statutes, is amended to read:

720 414.295 Temporary cash assistance programs; public records  
 721 exemption.—

722 (1) Personal identifying information of a temporary cash  
 723 assistance program participant, a participant's family, or a  
 724 participant's family or household member, except for information  
 725 identifying a parent who does not live in the same home as the

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726 child, which is held by the department, ~~the Office of Early~~  
 727 ~~Learning,~~ CareerSource Florida, Inc., the Department of Health,  
 728 the Department of Revenue, the Department of Education, or a  
 729 local workforce development board or local committee created  
 730 pursuant to s. 445.007 is confidential and exempt from s.  
 731 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
 732 confidential and exempt information may be released for purposes  
 733 directly connected with:

734 (a) The administration of the temporary assistance for  
 735 needy families plan under Title IV-A of the Social Security Act,  
 736 as amended, by the department, ~~the Office of Early Learning,~~  
 737 CareerSource Florida, Inc., the Department of Military Affairs,  
 738 the Department of Health, the Department of Revenue, the  
 739 Department of Education, a local workforce development board or  
 740 local committee created pursuant to s. 445.007, or a school  
 741 district.

742 (b) The administration of the state's plan or program  
 743 approved under Title IV-B, Title IV-D, or Title IV-E of the  
 744 Social Security Act, as amended, or under Title I, Title X,  
 745 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the  
 746 Social Security Act, as amended.

747 (c) An investigation, prosecution, or criminal, civil, or  
 748 administrative proceeding conducted in connection with the  
 749 administration of any of the plans or programs specified in  
 750 paragraph (a) or paragraph (b) by a federal, state, or local  
 751 governmental entity, upon request by that entity, if such  
 752 request is made pursuant to the proper exercise of that entity's  
 753 duties and responsibilities.

754 (d) The administration of any other state, federal, or

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755 federally assisted program that provides assistance or services  
756 on the basis of need, in cash or in kind, directly to a  
757 participant.

758 (e) An audit or similar activity, such as a review of  
759 expenditure reports or financial review, conducted in connection  
760 with the administration of plans or programs specified in  
761 paragraph (a) or paragraph (b) by a governmental entity  
762 authorized by law to conduct such audit or activity.

763 (f) The administration of the reemployment assistance  
764 program.

765 (g) The reporting to the appropriate agency or official of  
766 information about known or suspected instances of physical or  
767 mental injury, sexual abuse or exploitation, or negligent  
768 treatment or maltreatment of a child or elderly person receiving  
769 assistance, if circumstances indicate that the health or welfare  
770 of the child or elderly person is threatened.

771 (h) The administration of services to elderly persons under  
772 ss. 430.601-430.606.

773 Section 16. Section 1000.01, Florida Statutes, is amended  
774 to read:

775 1000.01 The Florida Early Learning-20 ~~K-20~~ education  
776 system; technical provisions.-

777 (1) NAME.-Chapters 1000 through 1013 shall be known and  
778 cited as the "Florida Early Learning-20 ~~K-20~~ Education Code."

779 (2) LIBERAL CONSTRUCTION.-The provisions of the Florida  
780 Early Learning-20 ~~K-20~~ Education Code shall be liberally  
781 construed to the end that its objectives may be effected. It is  
782 the legislative intent that if any section, subsection,  
783 sentence, clause, or provision of the Florida Early Learning-20

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784 ~~K-20~~ Education Code is held invalid, the remainder of the code  
785 shall not be affected.

786 (3) PURPOSE.-The purpose of the Florida Early Learning-20  
787 ~~K-20~~ Education Code is to provide by law for a state system of  
788 schools, courses, classes, and educational institutions and  
789 services adequate to allow, for all Florida's students, the  
790 opportunity to obtain a high quality education. The Florida  
791 Early Learning-20 ~~K-20~~ education system is established to  
792 accomplish this purpose; however, nothing in this code shall be  
793 construed to require the provision of free public education  
794 beyond grade 12.

795 (4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS INCLUDED.-As  
796 required by s. 1, Art. IX of the State Constitution, the Florida  
797 Early Learning-20 ~~K-20~~ education system shall include the  
798 uniform system of free public K-12 schools. These public K-12  
799 schools shall provide 13 consecutive years of instruction,  
800 beginning with kindergarten, and shall also provide such  
801 instruction for students with disabilities, gifted students,  
802 limited English proficient students, and students in Department  
803 of Juvenile Justice programs as may be required by law. The  
804 funds for support and maintenance of the uniform system of free  
805 public K-12 schools shall be derived from state, district,  
806 federal, and other lawful sources or combinations of sources,  
807 including any fees charged nonresidents as provided by law.

808 Section 17. Section 1000.02, Florida Statutes, is amended  
809 to read:

810 1000.02 Policy and guiding principles for the Florida Early  
811 Learning-20 ~~K-20~~ education system.-

812 (1) It is the policy of the Legislature:

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813 (a) To achieve within existing resources a seamless  
 814 academic educational system that fosters an integrated continuum  
 815 of early learning kindergarten through graduate school education  
 816 for Florida's students.

817 (b) To promote enhanced academic success and funding  
 818 efficiency of educational delivery systems by aligning  
 819 responsibility with accountability.

820 (c) To provide consistent education policy across all  
 821 educational delivery systems, focusing on students.

822 (d) To provide substantially improved articulation across  
 823 all educational delivery systems.

824 (e) To provide for the decentralization of authority to the  
 825 schools, Florida College System institutions, universities, and  
 826 other education institutions that deliver educational services  
 827 to the public.

828 (f) To ensure that independent education institutions and  
 829 home education programs maintain their independence, autonomy,  
 830 and nongovernmental status.

831 (2) The guiding principles for Florida's Early Learning-20  
 832 K-20 education system are:

833 (a) A coordinated, seamless system for early learning  
 834 kindergarten through graduate school education.

835 (b) A system that is student-centered in every facet.

836 (c) A system that maximizes education access and allows the  
 837 opportunity for a high quality education for all Floridians.

838 (d) A system that safeguards equity and supports academic  
 839 excellence.

840 (e) A system that provides for local operational  
 841 flexibility while promoting accountability for student

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842 achievement and improvement.

843 Section 18. Section 1000.03, Florida Statutes, is amended  
 844 to read:

845 1000.03 Function, mission, and goals of the Florida Early  
 846 Learning-20 ~~K-20~~ education system.-

847 (1) Florida's Early Learning-20 ~~K-20~~ education system shall  
 848 be a decentralized system without excess layers of bureaucracy.  
 849 Florida's Early Learning-20 ~~K-20~~ education system shall maintain  
 850 a systemwide technology plan based on a common set of data  
 851 definitions.

852 (2) (a) The Legislature shall establish education policy,  
 853 enact education laws, and appropriate and allocate education  
 854 resources.

855 (b) With the exception of matters relating to the State  
 856 University System, the State Board of Education shall oversee  
 857 the enforcement of all laws and rules, and the timely provision  
 858 of direction, resources, assistance, intervention when needed,  
 859 and strong incentives and disincentives to force accountability  
 860 for results.

861 (c) The Board of Governors shall oversee the enforcement of  
 862 all state university laws and rules and regulations and the  
 863 timely provision of direction, resources, assistance,  
 864 intervention when needed, and strong incentives and  
 865 disincentives to force accountability for results.

866 (3) Public education is a cooperative function of the state  
 867 and local educational authorities. The state retains  
 868 responsibility for establishing a system of public education  
 869 through laws, standards, and rules to assure efficient operation  
 870 of an Early Learning-20 ~~a K-20~~ system of public education and

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adequate educational opportunities for all individuals. Local educational authorities have a duty to fully and faithfully comply with state laws, standards, and rules and to efficiently use the resources available to them to assist the state in allowing adequate educational opportunities.

(4) The mission of Florida's Early Learning-20 ~~K-20~~ education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

(5) The priorities of Florida's Early Learning-20 ~~K-20~~ education system include:

(a) *Learning and completion at all levels, including increased high school graduation rate and readiness for postsecondary education without remediation.*—All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.

(b) *Student performance.*—Students demonstrate that they meet the expected academic standards consistently at all levels of their education.

(c) *Civic literacy.*—Students are prepared to become civically engaged and knowledgeable adults who make positive contributions to their communities.

(d) *Alignment of standards and resources.*—Academic standards for every level of the Early Learning-20 ~~K-20~~ education system are aligned, and education financial resources are aligned with student performance expectations at each level

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of the Early Learning-20 ~~K-20~~ education system.

(e) *Educational leadership.*—The quality of educational leadership at all levels of Early Learning-20 ~~K-20~~ education is improved.

(f) *Workforce education.*—Workforce education is appropriately aligned with the skills required by the new global economy.

(g) *Parental, student, family, educational institution, and community involvement.*—Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Florida cannot be the guarantor of each individual student's success. The goals of Florida's Early Learning-20 ~~K-20~~ education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

(h) *Comprehensive Early Learning-20 ~~K-20~~ career and education planning.*—It is essential that Florida's Early Learning-20 ~~K-20~~ education system better prepare all students at every level for the transition from school to postsecondary education or work by providing information regarding:

1. Career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to pursue postsecondary instruction required to enter each career.

2. How to make informed decisions about the program of study that best addresses the students' interests and abilities

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929 while preparing them to enter postsecondary education or the  
930 workforce.

931 3. Recommended coursework and programs that prepare  
932 students for success in their areas of interest and ability.

933

934 This information shall be provided to students and parents  
935 through websites, handbooks, manuals, or other regularly  
936 provided communications.

937 Section 19. Section 1000.04, Florida Statutes, is amended  
938 to read:

939 1000.04 Components for the delivery of public education  
940 within the Florida Early Learning-20 K-20 education system.—  
941 Florida's Early Learning-20 K-20 education system provides for  
942 the delivery of early learning and public education through  
943 publicly supported and controlled K-12 schools, Florida College  
944 System institutions, state universities and other postsecondary  
945 educational institutions, other educational institutions, and  
946 other educational services as provided or authorized by the  
947 Constitution and laws of the state.

948 (1) EARLY LEARNING.—Early learning includes the Voluntary  
949 Prekindergarten Education Program and the school readiness  
950 program.

951 (2)(4) PUBLIC K-12 SCHOOLS.—The public K-12 schools include  
952 charter schools and consist of kindergarten classes; elementary,  
953 middle, and high school grades and special classes; virtual  
954 instruction programs; workforce education; career centers;  
955 adult, part-time, and evening schools, courses, or classes, as  
956 authorized by law to be operated under the control of district  
957 school boards; and lab schools operated under the control of

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958 state universities.

959 (3)(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.—

960 Public postsecondary educational institutions include workforce  
961 education; Florida College System institutions; state  
962 universities; and all other state-supported postsecondary  
963 educational institutions that are authorized and established by  
964 law.

965 (4)(3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.—The  
966 Florida School for the Deaf and the Blind is a component of the  
967 delivery of public education within Florida's Early Learning-20  
968 K-20 education system.

969 (5)(4) THE FLORIDA VIRTUAL SCHOOL.—The Florida Virtual  
970 School is a component of the delivery of public education within  
971 Florida's Early Learning-20 K-20 education system.

972 Section 20. Section 1000.21, Florida Statutes, is amended  
973 to read:

974 1000.21 Systemwide definitions.—As used in the Florida  
975 Early Learning-20 K-20 Education Code:

976 (1) "Articulation" is the systematic coordination that  
977 provides the means by which students proceed toward their  
978 educational objectives in as rapid and student-friendly manner  
979 as their circumstances permit, from grade level to grade level,  
980 from elementary to middle to high school, to and through  
981 postsecondary education, and when transferring from one  
982 educational institution or program to another.

983 (2) "Commissioner" is the Commissioner of Education.

984 (3) "Florida College System institution" except as  
985 otherwise specifically provided, includes all of the following  
986 public postsecondary educational institutions in the Florida

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987 College System and any branch campuses, centers, or other  
 988 affiliates of the institution:

989 (a) Eastern Florida State College, which serves Brevard  
 990 County.

991 (b) Broward College, which serves Broward County.

992 (c) College of Central Florida, which serves Citrus, Levy,  
 993 and Marion Counties.

994 (d) Chipola College, which serves Calhoun, Holmes, Jackson,  
 995 Liberty, and Washington Counties.

996 (e) Daytona State College, which serves Flagler and Volusia  
 997 Counties.

998 (f) Florida SouthWestern State College, which serves  
 999 Charlotte, Collier, Glades, Hendry, and Lee Counties.

1000 (g) Florida State College at Jacksonville, which serves  
 1001 Duval and Nassau Counties.

1002 (h) The College of the Florida Keys, which serves Monroe  
 1003 County.

1004 (i) Gulf Coast State College, which serves Bay, Franklin,  
 1005 and Gulf Counties.

1006 (j) Hillsborough Community College, which serves  
 1007 Hillsborough County.

1008 (k) Indian River State College, which serves Indian River,  
 1009 Martin, Okeechobee, and St. Lucie Counties.

1010 (l) Florida Gateway College, which serves Baker, Columbia,  
 1011 Dixie, Gilchrist, and Union Counties.

1012 (m) Lake-Sumter State College, which serves Lake and Sumter  
 1013 Counties.

1014 (n) State College of Florida, Manatee-Sarasota, which  
 1015 serves Manatee and Sarasota Counties.

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1016 (o) Miami Dade College, which serves Miami-Dade County.

1017 (p) North Florida College, which serves Hamilton,  
 1018 Jefferson, Lafayette, Madison, Suwannee, and Taylor Counties.

1019 (q) Northwest Florida State College, which serves Okaloosa  
 1020 and Walton Counties.

1021 (r) Palm Beach State College, which serves Palm Beach  
 1022 County.

1023 (s) Pasco-Hernando State College, which serves Hernando and  
 1024 Pasco Counties.

1025 (t) Pensacola State College, which serves Escambia and  
 1026 Santa Rosa Counties.

1027 (u) Polk State College, which serves Polk County.

1028 (v) St. Johns River State College, which serves Clay,  
 1029 Putnam, and St. Johns Counties.

1030 (w) St. Petersburg College, which serves Pinellas County.

1031 (x) Santa Fe College, which serves Alachua and Bradford  
 1032 Counties.

1033 (y) Seminole State College of Florida, which serves  
 1034 Seminole County.

1035 (z) South Florida State College, which serves DeSoto,  
 1036 Hardee, and Highlands Counties.

1037 (aa) Tallahassee Community College, which serves Gadsden,  
 1038 Leon, and Wakulla Counties.

1039 (bb) Valencia College, which serves Orange and Osceola  
 1040 Counties.

1041 (4) "Department" is the Department of Education.

1042 (5) "Parent" is either or both parents of a student, any  
 1043 guardian of a student, any person in a parental relationship to  
 1044 a student, or any person exercising supervisory authority over a

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1045 student in place of the parent.

1046 (6) "State university," except as otherwise specifically  
1047 provided, includes the following institutions and any branch  
1048 campuses, centers, or other affiliates of the institution:

1049 (a) The University of Florida.

1050 (b) The Florida State University.

1051 (c) The Florida Agricultural and Mechanical University.

1052 (d) The University of South Florida.

1053 (e) The Florida Atlantic University.

1054 (f) The University of West Florida.

1055 (g) The University of Central Florida.

1056 (h) The University of North Florida.

1057 (i) The Florida International University.

1058 (j) The Florida Gulf Coast University.

1059 (k) New College of Florida.

1060 (l) The Florida Polytechnic University.

1061 (7) "Next Generation Sunshine State Standards" means the  
1062 state's public K-12 curricular standards adopted under s.  
1063 1003.41.

1064 (8) "Board of Governors" is the Board of Governors of the  
1065 State University System.

1066 Section 21. Subsection (1) and paragraphs (e) and (s) of  
1067 subsection (2) of section 1001.02, Florida Statutes, are amended  
1068 to read:

1069 1001.02 General powers of State Board of Education.—

1070 (1) The State Board of Education is the chief implementing  
1071 and coordinating body of public education in Florida except for  
1072 the State University System, and it shall focus on high-level  
1073 policy decisions. It has authority to adopt rules pursuant to

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1074 ss. 120.536(1) and 120.54 to implement the provisions of law  
1075 conferring duties upon it for the improvement of the state  
1076 system of Early Learning-20 K-20 public education except for the  
1077 State University System. Except as otherwise provided herein, it  
1078 may, as it finds appropriate, delegate its general powers to the  
1079 Commissioner of Education or the directors of the divisions of  
1080 the department.

1081 (2) The State Board of Education has the following duties:

1082 (e) To adopt and submit to the Governor and Legislature, as  
1083 provided in s. 216.023, a coordinated Early Learning-20 K-20  
1084 education budget that estimates the expenditure requirements for  
1085 the Board of Governors, as provided in s. 1001.706, the State  
1086 Board of Education, including the Department of Education and  
1087 the Commissioner of Education, and all of the boards,  
1088 institutions, agencies, and services under the general  
1089 supervision of the Board of Governors, as provided in s.  
1090 1001.706, or the State Board of Education for the ensuing fiscal  
1091 year. The State Board of Education may not amend the budget  
1092 request submitted by the Board of Governors. Any program  
1093 recommended by the Board of Governors or the State Board of  
1094 Education which will require increases in state funding for more  
1095 than 1 year must be presented in a multiyear budget plan.

1096 (s) To establish a detailed procedure for the  
1097 implementation and operation of a systemwide ~~K-20~~ technology  
1098 plan that is based on a common set of data definitions.

1099 Section 22. Subsections (8) and (9) of section 1001.03,  
1100 Florida Statutes, are amended to read:

1101 1001.03 Specific powers of State Board of Education.—

1102 (8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education

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shall enforce compliance with law and state board rule by all school districts, early learning coalitions, and public postsecondary educational institutions, except for the State University System, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.—The State Board of Education, in conjunction with the Board of Governors regarding the State University System, shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public Early Learning-20 K-20 education system as such databases existed on June 30, 2002.

Section 23. Subsection (1), paragraphs (g), (k), and (l) of subsection (6), and subsection (8) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(1) The Commissioner of Education is the chief educational officer of the state and the sole custodian of the educational K-20 data warehouse, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the Early Learning-20 K-20 education system, except for the State University System.

(6) Additionally, the commissioner has the following general powers and duties:

(g) To submit to the State Board of Education, on or before October 1 of each year, recommendations for a coordinated Early Learning-20 K-20 education budget that estimates the expenditures for the Board of Governors, the State Board of

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Education, including the Department of Education and the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors or the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(k) To prepare, publish, and disseminate user-friendly materials relating to the state's education system, including the state's K-12 scholarship programs, the school readiness program, and the Voluntary Prekindergarten Education Program.

(l) To prepare and publish annually reports giving statistics and other useful information pertaining to the state's K-12 scholarship programs, the school readiness program, and the Voluntary Prekindergarten Education Program.

(8) In the event of an emergency situation, the commissioner may coordinate through the most appropriate means of communication with early learning coalitions, local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office the ability to reopen as soon as possible after considering the health, safety, and welfare of students and clients.

Section 24. Paragraph (b) of subsection (1) and subsection (4) of section 1001.11, Florida Statutes, are amended to read:

1001.11 Commissioner of Education; other duties.—

(1) The Commissioner of Education must independently



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perform the following duties:

(b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education, the Early Learning-20 ~~K-20~~ education system, and early learning programs.

(4) The commissioner shall develop and implement an integrated Early Learning-20 ~~K-20~~ information system for educational management in accordance with the requirements of chapter 1008.

Section 25. Section 1001.213, Florida Statutes, is repealed.

Section 26. Subsection (7) of section 1001.215, Florida Statutes, is amended to read:

1001.215 Just Read, Florida! Office.—There is created in the Department of Education the Just Read, Florida! Office. The office is fully accountable to the Commissioner of Education and shall:

(7) Review, evaluate, and provide technical assistance to school districts' implementation of the ~~K-12~~ comprehensive reading plan required in s. 1011.62(9).

Section 27. Subsection (1) of section 1001.23, Florida Statutes, is amended to read:

1001.23 Specific powers and duties of the Department of Education.—In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

~~(1) Adopt the statewide kindergarten screening in accordance with s. 1002.69.~~

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Section 28. Subsection (3) of section 1001.70, Florida Statutes, is amended to read:

1001.70 Board of Governors of the State University System.—

(3) The Board of Governors, in exercising its authority under the State Constitution and statutes, shall exercise its authority in a manner that supports, promotes, and enhances an Early Learning-20 ~~a K-20~~ education system that provides affordable access to postsecondary educational opportunities for residents of the state to the extent authorized by the State Constitution and state law.

Section 29. Paragraph (b) of subsection (4) of section 1001.706, Florida Statutes, is amended to read:

1001.706 Powers and duties of the Board of Governors.—

(4) POWERS AND DUTIES RELATING TO FINANCE.—

(b) The Board of Governors shall prepare the legislative budget requests for the State University System, including a request for fixed capital outlay, and submit them to the State Board of Education for inclusion in the Early Learning-20 ~~K-20~~ legislative budget request. The Board of Governors shall provide the state universities with fiscal policy guidelines, formats, and instruction for the development of individual university budget requests.

Section 30. Paragraph (b) of subsection (1) of section 1002.22, Florida Statutes, is amended to read:

1002.22 Education records and reports of K-12 students; rights of parents and students; notification; penalty.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Institution" means any public school, center, institution, or other entity that is part of Florida's education

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 1219 system under s. 1000.04(2), (4), and (5) ~~s. 1000.04(1), (3), and~~  
 1220 ~~(4)~~.

1221 Section 31. Subsections (3) and (10) of section 1002.32,  
 1222 Florida Statutes, are amended to read:

1223 1002.32 Developmental research (laboratory) schools.—

1224 (3) MISSION.—The mission of a lab school shall be the  
 1225 provision of a vehicle for the conduct of research,  
 1226 demonstration, and evaluation regarding management, teaching,  
 1227 and learning. Programs to achieve the mission of a lab school  
 1228 shall embody the goals and standards established pursuant to ss.  
 1229 1000.03(5) and 1001.23(1) ~~1001.23(2)~~ and shall ensure an  
 1230 appropriate education for its students.

1231 (a) Each lab school shall emphasize mathematics, science,  
 1232 computer science, and foreign languages. The primary goal of a  
 1233 lab school is to enhance instruction and research in such  
 1234 specialized subjects by using the resources available on a state  
 1235 university campus, while also providing an education in  
 1236 nonspecialized subjects. Each lab school shall provide  
 1237 sequential elementary and secondary instruction where  
 1238 appropriate. A lab school may not provide instruction at grade  
 1239 levels higher than grade 12 without authorization from the State  
 1240 Board of Education. Each lab school shall develop and implement  
 1241 a school improvement plan pursuant to s. 1003.02(3).

1242 (b) Research, demonstration, and evaluation conducted at a  
 1243 lab school may be generated by the college of education and  
 1244 other colleges within the university with which the school is  
 1245 affiliated.

1246 (c) Research, demonstration, and evaluation conducted at a  
 1247 lab school may be generated by the State Board of Education.

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 1248 Such research shall respond to the needs of the education  
 1249 community at large, rather than the specific needs of the  
 1250 affiliated college.

1251 (d) Research, demonstration, and evaluation conducted at a  
 1252 lab school may consist of pilot projects to be generated by the  
 1253 affiliated college, the State Board of Education, or the  
 1254 Legislature.

1255 (e) The exceptional education programs offered at a lab  
 1256 school shall be determined by the research and evaluation goals  
 1257 and the availability of students for efficiently sized programs.  
 1258 The fact that a lab school offers an exceptional education  
 1259 program in no way lessens the general responsibility of the  
 1260 local school district to provide exceptional education programs.

1261 (10) EXCEPTIONS TO LAW.—To encourage innovative practices  
 1262 and facilitate the mission of the lab schools, in addition to  
 1263 the exceptions to law specified in s. 1001.23(1) ~~s. 1001.23(2)~~,  
 1264 the following exceptions shall be permitted for lab schools:

1265 (a) The methods and requirements of the following statutes  
 1266 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;  
 1267 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;  
 1268 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;  
 1269 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;  
 1270 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;  
 1271 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23;  
 1272 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;  
 1273 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;  
 1274 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)–(3), (5);  
 1275 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;  
 1276 1011.73; and 1011.74.

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1277 (b) With the exception of s. 1001.42(18), s. 1001.42 shall  
 1278 be held in abeyance. Reference to district school boards in s.  
 1279 1001.42(18) shall mean the president of the university or the  
 1280 president's designee.

1281 Section 32. Paragraph (b) of subsection (10) of section  
 1282 1002.34, Florida Statutes, is amended to read:  
 1283 1002.34 Charter technical career centers.—  
 1284 (10) EXEMPTION FROM STATUTES.—  
 1285 (b) A center must comply with the Florida Early Learning-20  
 1286 ~~K-20~~ Education Code with respect to providing services to  
 1287 students with disabilities.

1288 Section 33. Subsection (1) of section 1002.36, Florida  
 1289 Statutes, is amended to read:  
 1290 1002.36 Florida School for the Deaf and the Blind.—  
 1291 (1) RESPONSIBILITIES.—The Florida School for the Deaf and  
 1292 the Blind, located in St. Johns County, is a state-supported  
 1293 residential public school for hearing-impaired and visually  
 1294 impaired students in preschool through 12th grade. The school is  
 1295 a component of the delivery of public education within Florida's  
 1296 Early Learning-20 ~~K-20~~ education system and shall be funded  
 1297 through the Department of Education. The school shall provide  
 1298 educational programs and support services appropriate to meet  
 1299 the education and related evaluation and counseling needs of  
 1300 hearing-impaired and visually impaired students in the state who  
 1301 meet enrollment criteria. Unless otherwise provided by law, the  
 1302 school shall comply with all laws and rules applicable to state  
 1303 agencies. Education services may be provided on an outreach  
 1304 basis for sensory-impaired children ages 0 through 5 years and  
 1305 to district school boards upon request. Graduates of the Florida

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1306 School for the Deaf and the Blind shall be eligible for the  
 1307 William L. Boyd, IV, Effective Access to Student Education Grant  
 1308 Program as provided in s. 1009.89.

1309 Section 34. Paragraph (b) of subsection (4) and subsection  
 1310 (5) of section 1002.53, Florida Statutes, are amended, and  
 1311 paragraph (d) is added to subsection (6) of that section, to  
 1312 read:  
 1313 1002.53 Voluntary Prekindergarten Education Program;  
 1314 eligibility and enrollment.—  
 1315 (4)  
 1316 (b) The application must be submitted on forms prescribed  
 1317 by the department ~~Office of Early Learning~~ and must be  
 1318 accompanied by a certified copy of the child's birth  
 1319 certificate. The forms must include a certification, in  
 1320 substantially the form provided in s. 1002.71(6)(b)2., that the  
 1321 parent chooses the private prekindergarten provider or public  
 1322 school in accordance with this section and directs that payments  
 1323 for the program be made to the provider or school. The  
 1324 department ~~Office of Early Learning~~ may authorize alternative  
 1325 methods for submitting proof of the child's age in lieu of a  
 1326 certified copy of the child's birth certificate.

1327 (5) The early learning coalition shall provide each parent  
 1328 enrolling a child in the Voluntary Prekindergarten Education  
 1329 Program with a profile of every private prekindergarten provider  
 1330 and public school delivering the program within the county where  
 1331 the child is being enrolled. The profiles shall be provided to  
 1332 parents in a format prescribed by the department in accordance  
 1333 with s. 1002.92(3) Office of Early Learning. ~~The profiles must~~  
 1334 ~~include, at a minimum, the following information about each~~

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~~provider and school:~~

~~(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and~~

~~(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening;~~

(6)

(d) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must allow his or her child to participate in the coordinated screening and progress monitoring program under s. 1008.2125.

Section 35. Paragraphs (a), (b), (c), (e), (g), (h), (i), (j), and (l) of subsection (3), subsection (4), and paragraph (b) of subsection (5) of section 1002.55, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(a) The private prekindergarten provider must be a child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, large family child care home licensed under s. 402.3131, nonpublic school exempt from licensure under s. 402.3025(2), ~~or~~ faith-based child care provider exempt from licensure under s. 402.316, child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States

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Department of Defense, or private prekindergarten provider that has been issued a provisional license under s. 402.309. A private prekindergarten provider may not deliver the program while holding a probation-status license under s. 402.310.

(b) The private prekindergarten provider must:

1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, or the Florida Association of Academic Nonpublic Schools, or be accredited by the Southern Association of Colleges and Schools, or Western Association of Colleges and Schools, or North Central Association of Colleges and Schools, or Middle States Association of Colleges and Schools, or New England Association of Colleges and Schools; and have written accreditation standards that meet or exceed the state's licensing requirements under s. 402.305, s. 402.313, or s. 402.3131 and require at least one onsite visit to the provider or school before accreditation is granted;

2. Hold a current Gold Seal Quality Care designation under s. 1002.945 ~~s. 402.281~~; or

3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131 and demonstrate, before delivering the Voluntary Prekindergarten Education Program, as verified by the early learning coalition, that the provider meets each of the requirements of the program under this part, including, but not limited to, the requirements for credentials and background screenings of prekindergarten instructors under paragraphs (c) and (d), minimum and maximum class sizes under paragraph (f), prekindergarten director credentials under paragraph (g), and a developmentally appropriate curriculum under s. 1002.67(2)(b).

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1393 (c) The private prekindergarten provider must have, for  
 1394 each prekindergarten class of 11 children or fewer, at least one  
 1395 prekindergarten instructor who meets each of the following  
 1396 requirements:

1397 1. The prekindergarten instructor must hold, at a minimum,  
 1398 one of the following credentials:

1399 a. A child development associate credential issued by the  
 1400 National Credentialing Program of the Council for Professional  
 1401 Recognition; or

1402 b. A credential approved by the Department of Children and  
 1403 Families as being equivalent to or greater than the credential  
 1404 described in sub-subparagraph a.

1405 The Department of Children and Families may adopt rules under  
 1406 ss. 120.536(1) and 120.54 which provide criteria and procedures  
 1407 for approving equivalent credentials under sub-subparagraph b.

1408 2. The prekindergarten instructor must successfully  
 1409 complete at least three ~~an~~ emergent literacy training courses  
 1410 that include developmentally appropriate and experiential  
 1411 learning practices for children ~~course~~ and a student performance  
 1412 standards training course approved by the department ~~office~~ as  
 1413 meeting or exceeding the minimum standards adopted under s.  
 1414 1002.59. The requirement for completion of the standards  
 1415 training course shall take effect July 1, 2022 ~~2014~~, and be  
 1416 recognized as part of the informal early learning career pathway  
 1417 identified by the department under s. 1002.995(1)(b). ~~Such and~~  
 1418 ~~the~~ course shall be available online or in person.

1419 (e) A private prekindergarten provider may assign a  
 1420 substitute instructor to temporarily replace a credentialed  
 1421

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1422 instructor if the credentialed instructor assigned to a  
 1423 prekindergarten class is absent, as long as the substitute  
 1424 instructor is of good moral character and has been screened  
 1425 before employment in accordance with level 2 background  
 1426 screening requirements in chapter 435. The department ~~Office of~~  
 1427 ~~Early Learning~~ shall adopt rules to implement this paragraph  
 1428 which shall include required qualifications of substitute  
 1429 instructors and the circumstances and time limits for which a  
 1430 private prekindergarten provider may assign a substitute  
 1431 instructor.

1432 (g) The private prekindergarten provider must have a  
 1433 prekindergarten director who has a prekindergarten director  
 1434 credential that is approved by the department ~~office~~ as meeting  
 1435 or exceeding the minimum standards adopted under s. 1002.57. A  
 1436 private school administrator who holds a valid certificate in  
 1437 educational leadership issued by the department satisfies the  
 1438 requirement for a prekindergarten director credential under s.  
 1439 1002.57 ~~Successful completion of a child care facility director~~  
 1440 ~~credential under s. 402.305(2)(g) before the establishment of~~  
 1441 ~~the prekindergarten director credential under s. 1002.57 or July~~  
 1442 ~~1, 2006, whichever occurs later, satisfies the requirement for a~~  
 1443 ~~prekindergarten director credential under this paragraph.~~

1444 (h) The private prekindergarten provider must register with  
 1445 the early learning coalition on forms prescribed by the  
 1446 department ~~Office of Early Learning~~.

1447 (i) The private prekindergarten provider must execute the  
 1448 statewide provider contract prescribed under s. 1002.73 ~~or~~  
 1449 ~~1002.75~~, except that an individual who owns or operates multiple  
 1450 private prekindergarten sites ~~providers~~ within a coalition's

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service area may execute a single agreement with the coalition on behalf of each site provider.

(j) The private prekindergarten provider must maintain general liability insurance and provide the coalition with written evidence of general liability insurance coverage, including coverage for transportation of children if prekindergarten students are transported by the provider. A provider must obtain and retain an insurance policy that provides a minimum of \$100,000 of coverage per occurrence and a minimum of \$300,000 general aggregate coverage. The department ~~office~~ may authorize lower limits upon request, as appropriate. A provider must add the coalition as a named certificateholder and as an additional insured. A provider must provide the coalition with a minimum of 10 calendar days' advance written notice of cancellation of or changes to coverage. The general liability insurance required by this paragraph must remain in full force and effect for the entire period of the provider contract with the coalition.

(l) Notwithstanding paragraph (j), for a private prekindergarten provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), the provider must agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (j), for a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, the provider may demonstrate liability

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coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. s. 2671 et seq.

(4) A prekindergarten instructor, in lieu of the minimum credentials ~~and courses~~ required under paragraph (3)(c), may hold one of the following educational credentials:

(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked;

(c) An associate's or higher degree in child development;

(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age; or

(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for approving equivalent educational credentials under this paragraph.

(5)

(b) Notwithstanding any other ~~provision of~~ law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule of the Child Care Services Program

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1509 Office of the Department of Children and Families, the coalition  
1510 may refuse to contract with the provider.

1511 (6) Each early learning coalition shall verify that each  
1512 private prekindergarten provider delivering the Voluntary  
1513 Prekindergarten Education Program within the coalition's county  
1514 or multicounty region complies with this part. If a private  
1515 prekindergarten provider fails or refuses to comply with this  
1516 part or engages in misconduct, the department must require the  
1517 early learning coalition to remove the provider from eligibility  
1518 to deliver the program and receive state funds under this part  
1519 for a period of at least 2 years but no more than 5 years.

1520 Section 36. Paragraphs (b) and (c) of subsection (2) of  
1521 section 1002.57, Florida Statutes, are redesignated as  
1522 paragraphs (c) and (d), respectively, subsection (1) is amended,  
1523 and a new paragraph (b) is added to subsection (2) of that  
1524 section, to read:

1525 1002.57 Prekindergarten director credential.—

1526 (1) The department office, in consultation with the  
1527 Department of Children and Families, shall adopt minimum  
1528 standards for a credential for prekindergarten directors of  
1529 private prekindergarten providers delivering the Voluntary  
1530 Prekindergarten Education Program. The credential must encompass  
1531 requirements for education and onsite experience.

1532 (2) The educational requirements must include training in  
1533 the following:

1534 (b) Implementation of curriculum and usage of student-level  
1535 data to inform the delivery of instruction;

1536 Section 37. Section 1002.59, Florida Statutes, is amended  
1537 to read:

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1538 1002.59 Emergent literacy and performance standards  
1539 training courses.—

1540 (1) The ~~department office~~ shall adopt minimum standards for  
1541 ~~one or more training~~ courses in emergent literacy for  
1542 prekindergarten instructors. Each course must comprise 5 clock  
1543 hours and provide instruction in strategies and techniques to  
1544 address the age-appropriate progress of prekindergarten students  
1545 in developing emergent literacy skills, including oral  
1546 communication, knowledge of print and letters, phonemic and  
1547 phonological awareness, and vocabulary and comprehension  
1548 development. Each course must also provide resources containing  
1549 strategies that allow students with disabilities and other  
1550 special needs to derive maximum benefit from the Voluntary  
1551 Prekindergarten Education Program. Successful completion of an  
1552 emergent literacy training course approved under this section  
1553 satisfies requirements for approved training in early literacy  
1554 and language development under ss. 402.305(2)(e)5., 402.313(6),  
1555 and 402.3131(5).

1556 (2) The ~~department office~~ shall adopt minimum standards for  
1557 ~~one or more training~~ courses on the performance standards  
1558 adopted under s. 1002.67(1). Each course must be comprised of  
1559 ~~comprise~~ at least 3 clock hours, provide instruction in  
1560 strategies and techniques to address age-appropriate progress of  
1561 each child in attaining the standards, and be available online.

1562 (3) The department shall make available online professional  
1563 development and training courses comprised of at least 8 clock  
1564 hours that support prekindergarten instructors in increasing the  
1565 competency of teacher-child interactions.

1566 Section 38. Present subsections (6) through (8) of section

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1567 1002.61, Florida Statutes, are redesignated as subsections (7)  
1568 through (9), respectively, a new subsection (6) and subsection  
1569 (10) are added to that section, and paragraph (b) of subsection  
1570 (1), paragraph (b) of subsection (3), subsection (4), and  
1571 present subsections (6) and (8) of that section are amended, to  
1572 read:

1573 1002.61 Summer prekindergarten program delivered by public  
1574 schools and private prekindergarten providers.—

1575 (1)

1576 (b) Each early learning coalition shall administer the  
1577 Voluntary Prekindergarten Education Program at the county or  
1578 regional level for students enrolled under s. 1002.53(3)(b) in a  
1579 summer prekindergarten program delivered by a private  
1580 prekindergarten provider. A child development program that is  
1581 accredited by a national accrediting body and operates on a  
1582 military installation that is certified by the United States  
1583 Department of Defense may administer the summer prekindergarten  
1584 program as a private prekindergarten provider.

1585 (3)

1586 (b) Each public school delivering the summer  
1587 prekindergarten program must execute the statewide provider  
1588 contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the  
1589 school district may execute a single agreement with the early  
1590 learning coalition on behalf of all district schools.

1591 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),  
1592 each public school and private prekindergarten provider must  
1593 have, for each prekindergarten class, at least one  
1594 prekindergarten instructor who is a certified teacher or holds  
1595 one of the educational credentials specified in s. 1002.55(4)(a)

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1596 or (b). As used in this subsection, the term "certified teacher"  
1597 means a teacher holding a valid Florida educator certificate  
1598 under s. 1012.56 who has the qualifications required by the  
1599 district school board to instruct students in the summer  
1600 prekindergarten program. In selecting instructional staff for  
1601 the summer prekindergarten program, each school district shall  
1602 give priority to teachers who have experience or coursework in  
1603 early childhood education and have completed emergent literacy  
1604 and performance standards courses, as provided for in s.  
1605 1002.55(3)(c)2.

1606 (6) A child development program that is accredited by a  
1607 national accrediting body and operates on a military  
1608 installation that is certified by the United States Department  
1609 of Defense shall comply with the requirements of a private  
1610 prekindergarten provider in this section.

1611 (7) ~~(6)~~ A public school or private prekindergarten provider  
1612 may assign a substitute instructor to temporarily replace a  
1613 credentialed instructor if the credentialed instructor assigned  
1614 to a prekindergarten class is absent, as long as the substitute  
1615 instructor is of good moral character and has been screened  
1616 before employment in accordance with level 2 background  
1617 screening requirements in chapter 435. This subsection does not  
1618 supersede employment requirements for instructional personnel in  
1619 public schools which are more stringent than the requirements of  
1620 this subsection. The department ~~Office of Early Learning~~ shall  
1621 adopt rules to implement this subsection which shall include  
1622 required qualifications of substitute instructors and the  
1623 circumstances and time limits for which a public school or  
1624 private prekindergarten provider may assign a substitute



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instructor.

~~(9)(4)~~ Each public school delivering the summer prekindergarten program must also register with the early learning coalition on forms prescribed by the department Office of Early Learning and deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(10)(a) Each early learning coalition shall verify that each private prekindergarten provider and public school delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part or engages in misconduct, the department shall require the early learning coalition to remove the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years but no more than 5 years.

Section 39. Paragraph (b) of subsection (3) and subsections (6) and (8) of section 1002.63, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(3)

(b) Each public school delivering the school-year prekindergarten program must execute the statewide provider contract prescribed under s. 1002.73 ~~s. 1002.75~~, except that the school district may execute a single agreement with the early learning coalition on behalf of all district schools.

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(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department Office of Early Learning shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year prekindergarten program must register with the early learning coalition on forms prescribed by the department Office of Early Learning and deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(9)(a) Each early learning coalition shall verify that each public school delivering the Voluntary Prekindergarten Education Program within the coalition's service area complies with this part.

(b) If a public school fails or refuses to comply with this part or engages in misconduct, the department shall require the early learning coalition to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of at least 2 years but no more than 5 years.

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Section 40. Section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards and curricula and accountability.—

(1) (a) The ~~department office~~ shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

1. The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

2. Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development; and

3. Mathematical thinking and early math skills.

~~By October 1, 2013, the office shall examine the existing performance standards in the area of mathematical thinking and develop a plan to make appropriate professional development and training courses available to prekindergarten instructors.~~

(b) At least every 3 years, the ~~department office~~ shall ~~periodically~~ review and, if necessary, revise the performance standards established under this section for the statewide kindergarten screening administered under s. 1002.69 and align the standards to the standards established by the state board for student performance on the statewide assessments administered pursuant to s. 1008.22.

(2) (a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or

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school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under s. 1002.68 ~~paragraph (4)(e).~~

(b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:

1. Be designed to prepare a student for early literacy and provide for instruction in early math skills;

2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

3. Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program under s. 1008.2125 ~~Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.~~

(c) The ~~department office~~ shall adopt procedures for the review and approval of ~~approve~~ curricula for use by private prekindergarten providers and public schools that are placed on probation under s. 1002.68 ~~paragraph (4)(e).~~ The ~~department office~~ shall administer the review and approval process and maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

~~(3)(a) Contingent upon legislative appropriation, each private prekindergarten provider and public school in the Voluntary Prekindergarten Education Program must implement an evidence based pre and post assessment that has been approved by rule of the State Board of Education.~~

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~~(b) In order to be approved, the assessment must be valid, reliable, developmentally appropriate, and designed to measure student progress on domains which must include, but are not limited to, early literacy, numeracy, and language.~~

~~(c) The pre and post assessment must be administered by individuals meeting requirements established by rule of the State Board of Education.~~

~~(4)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.~~

~~(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the office shall require the early learning coalition to remove the provider and require the school district to remove the school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part for a period of 5 years.~~

~~(c) 1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the office as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan; shall place the provider or school on probation; and shall require the provider or school to take certain corrective actions, including~~

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~~the use of a curriculum approved by the office under paragraph (2)(c) or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office.~~

~~2. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 1., including the use of a curriculum or a staff development plan to strengthen instruction in language development and phonological awareness approved by the office, until the provider or school meets the minimum rate adopted by the office as satisfactory under s. 1002.69(6). Failure to implement an approved improvement plan or staff development plan shall result in the termination of the provider's contract to deliver the Voluntary Prekindergarten Education Program for a period of 5 years.~~

~~3. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the office as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the office pursuant to s. 1002.69(7), the office shall require the early learning coalition or the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of 5 years.~~

~~(d) Each early learning coalition and the office shall coordinate with the Child Care Services Program Office of the Department of Children and Families to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary~~

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1799 ~~Prekindergarten Education Program under this part, the school~~  
 1800 ~~readiness program under part VI of this chapter, and the~~  
 1801 ~~licensing of providers under ss. 402.301-402.319.~~

1802 Section 41. Section 1002.68, Florida Statutes, is created  
 1803 to read:

1804 1002.68 Voluntary Prekindergarten Education Program  
 1805 accountability.—

1806 (1)(a) Beginning with the 2022-2023 program year, each  
 1807 private prekindergarten provider and public school participating  
 1808 in the Voluntary Prekindergarten Education Program must  
 1809 participate in the coordinated screening and progress monitoring  
 1810 program in accordance with s. 1008.2125. The coordinated  
 1811 screening and progress monitoring program results shall be used  
 1812 by the department to identify student learning gains, index  
 1813 development learning outcomes upon program completion relative  
 1814 to the performance standards established under s. 1002.67 and  
 1815 representative norms, and inform a private prekindergarten  
 1816 provider's and public school's performance metric.

1817 (b) At a minimum, the initial and final progress monitoring  
 1818 or screening must be administered by individuals meeting  
 1819 requirements adopted by the department under s. 1008.2125.

1820 (c) Each private prekindergarten provider and public school  
 1821 must provide a student's performance results from the  
 1822 coordinated screening and progress monitoring to the student's  
 1823 parents within 7 days after the administration of such  
 1824 coordinated screening and progress monitoring.

1825 (2) Beginning with the 2021-2022 program year, each private  
 1826 prekindergarten provider and public school in the Voluntary  
 1827 Prekindergarten Education Program must participate in a program

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1828 assessment of each voluntary prekindergarten education  
 1829 classroom. The program assessment shall measure the quality of  
 1830 teacher-child interactions, including emotional support,  
 1831 classroom organization, and instructional support for children  
 1832 ages 3 to 5 years. Each private prekindergarten provider and  
 1833 public school in the Voluntary Prekindergarten Education Program  
 1834 shall receive from the department the results of the program  
 1835 assessment for each classroom within 14 days after the  
 1836 observation. Each early learning coalition shall be responsible  
 1837 for the administration of the program assessments, which must be  
 1838 conducted by individuals qualified to conduct program  
 1839 assessments under s. 1002.82(2)(n).

1840 (3)(a) For the 2020-2021 program year, the department shall  
 1841 calculate a kindergarten readiness rate for each private  
 1842 prekindergarten provider and public school in the Voluntary  
 1843 Prekindergarten Education Program, based upon learning gains and  
 1844 the percentage of students who are assessed as ready for  
 1845 kindergarten. The department shall require that each school  
 1846 district administer the statewide kindergarten screening in use  
 1847 before the 2021-2022 school year to each kindergarten student in  
 1848 the school district within the first 30 school days of the 2021-  
 1849 2022 school year. Private schools may administer the statewide  
 1850 kindergarten screening to each kindergarten student in a private  
 1851 school who was enrolled in the Voluntary Prekindergarten  
 1852 Education Program. Learning gains shall be determined using a  
 1853 value-added measure based on growth demonstrated by the results  
 1854 of the preassessment and postassessment in use before the 2021-  
 1855 2022 program year. Any private prekindergarten provider or  
 1856 public school in the Voluntary Prekindergarten Education Program

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which fails to meet the minimum kindergarten readiness rate for the 2020-2021 program year is subject to the probation requirements of subsection (5).

(b) For the 2021-2022 program year, the department shall calculate a program assessment composite score for each provider based on the program assessment under subsection (2). Any private prekindergarten provider or public school in the Voluntary Prekindergarten Education Program which fails to meet the minimum program assessment composite score established by the state board pursuant to s. 1002.82(2)(n) for the 2021-2022 program year is subject to the probation requirements of subsection (5).

(4) (a) Beginning with the 2022-2023 program year, the department shall adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which must be based on a combination of the following:

1. Program assessment composite scores under subsection (3), which must be weighted at no less than 50 percent.

2. Learning gains operationalized as change in ability scores from the initial and final progress monitoring results described in subsection (1).

3. Norm-referenced developmental learning outcomes described in subsection (1).

(b) The methodology for calculating a provider's performance metric may only include prekindergarten students who have attended at least 85 percent of a private prekindergarten provider's or public school's program.

(c) The program assessment composite score and performance

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metric must be calculated for each private prekindergarten or public school site.

(d) The methodology shall include a statistical latent profile analysis that has been conducted by an independent expert with experience in relevant quantitative analysis, early childhood assessment, and designing state-level accountability systems. The independent expert shall be able to produce a limited number of performance metric profiles that summarize the profiles of all sites that must be used to inform the following designations: "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology determined by the State Board of Education which may not include letter grades. The independent expert may not be a direct stakeholder or have had a financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or public school system within the last 5 years.

(e) Subject to an appropriation, the department shall provide for a differential payment to a private prekindergarten provider and public school based on the provider's designation. The maximum differential payment may not exceed a total of 15 percent of the base student allocation per full-time equivalent student under s. 1002.71 attending in the consecutive program year for that program. A private prekindergarten provider or public school may not receive a differential payment if it receives a designation of proficient or lower. Before the adoption of the methodology, the department and the independent expert shall confer with the Council for Early Grade Success under s. 1008.2125 before receiving approval from the State Board of Education for the final recommendations on the

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1915 designation system and differential payments.

1916 (f) The department shall adopt procedures to annually  
 1917 calculate each private prekindergarten provider's and public  
 1918 school's performance metric, based on the methodology adopted in  
 1919 paragraphs (a) and (b), and assign a designation under paragraph  
 1920 (d). Beginning with the 2023-2024 program year, each private  
 1921 prekindergarten provider or public school shall be assigned a  
 1922 designation within 45 days after the conclusion of the school-  
 1923 year Voluntary Prekindergarten Education Program delivered by  
 1924 all participating private prekindergarten providers or public  
 1925 schools and within 45 days after the conclusion of the summer  
 1926 Voluntary Prekindergarten Education Program delivered by all  
 1927 participating private prekindergarten providers or public  
 1928 schools.

1929 (g) A private prekindergarten provider or public school  
 1930 designated "proficient," "highly proficient," or "excellent"  
 1931 demonstrates the provider's or school's satisfactory delivery of  
 1932 the Voluntary Prekindergarten Education Program.

1933 (h) The designations shall be displayed in the early  
 1934 learning provider performance profiles required under s.  
 1935 1002.92(3).

1936 (5) (a) If a public school's or private prekindergarten  
 1937 provider's program assessment composite score for its  
 1938 prekindergarten classrooms fails to meet the minimum program  
 1939 assessment composite score for contracting established by the  
 1940 department pursuant to s. 1002.82(2)(n), the private  
 1941 prekindergarten provider or public school may not participate in  
 1942 the Voluntary Prekindergarten Education Program beginning in the  
 1943 consecutive program year and thereafter until the public school

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1944 or private prekindergarten provider meets the minimum composite  
 1945 score for contracting.

1946 (b) If a private prekindergarten provider's or public  
 1947 school's performance metric or designation falls below the  
 1948 minimum performance metric or designation, the early learning  
 1949 coalition shall:

1950 1. Require the provider or school to submit for approval to  
 1951 the early learning coalition an improvement plan and implement  
 1952 the plan.

1953 2. Place the provider or school on probation.

1954 3. Require the provider or school to take certain  
 1955 corrective actions, including the use of a curriculum approved  
 1956 by the department under s. 1002.67(2)(c) and a staff development  
 1957 plan approved by the department to strengthen instructional  
 1958 practices in emotional support, classroom organization,  
 1959 instructional support, language development, phonological  
 1960 awareness, alphabet knowledge, and mathematical thinking.

1961 (c) A private prekindergarten provider or public school  
 1962 placed on probation must continue the corrective actions  
 1963 required under paragraph (b) until the provider or school meets  
 1964 the minimum performance metric or designation adopted by the  
 1965 department. Failure to meet the requirements of subparagraphs  
 1966 (b)1. and 3. shall result in the termination of the provider's  
 1967 or school's contract to deliver the Voluntary Prekindergarten  
 1968 Education Program for a period of at least 2 years but no more  
 1969 than 5 years.

1970 (d) If a private prekindergarten provider or public school  
 1971 remains on probation for 2 consecutive years and fails to meet  
 1972 the minimum performance metric or designation, or is not granted

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a good cause exemption by the department, the department shall require the early learning coalition to revoke the provider's or school's eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program for a period of at least 2 years but no more than 5 years.

(6)(a) The department, upon the request of a private prekindergarten provider or public school that remains on probation for at least 2 consecutive years and subsequently fails to meet the minimum performance metric or designation, and for good cause shown, may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program. Such exemption is valid for 1 year and, upon the request of the private prekindergarten provider or public school and for good cause shown, may be renewed.

(b) A private prekindergarten provider's or public school's request for a good cause exemption, or renewal of such an exemption, must be submitted to the department in the manner and within the timeframes prescribed by the department and must include the following:

1. Data from the private prekindergarten provider or public school which documents the achievement and progress of the children served, as measured by any required screenings or assessments.

2. Data from the program assessment required under subsection (2) which demonstrates effective teaching practices as recognized by the tool developer.

3. Data from the early learning coalition or district school board, as applicable, the Department of Children and

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Families, the local licensing authority, or an accrediting association, as applicable, relating to the private prekindergarten provider's or public school's compliance with state and local health and safety standards.

(c) The department shall adopt criteria for granting good cause exemptions. Such criteria must include, but are not limited to, all of the following:

1. Child demographic data that evidences a private prekindergarten provider or public school serves a statistically significant population of children with special needs who have individual education plans and can demonstrate progress toward meeting the goals outlined in the students' individual education plans.

2. Learning gains of children served in the Voluntary Prekindergarten Education Program by the private prekindergarten provider or public school on an alternative measure that has comparable validity and reliability of the coordinated screening and progress monitoring program in accordance with s. 1008.2125.

3. Program assessment data under subsection (2) which demonstrates effective teaching practices as recognized by the tool developer.

4. Verification that local and state health and safety requirements are met.

(d) A good cause exemption may not be granted to any private prekindergarten provider or public school that has any class I violations or two or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding the provider's or school's request for the exemption.

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(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under subsection (5)(b) until the provider or school meets the minimum performance metric.

(f) If a good cause exemption is granted to a private prekindergarten provider or public school that remains on probation for 2 consecutive years and if the provider meets all other applicable requirements of this part, the department shall notify the early learning coalition of the good cause exemption and direct that the early learning coalition not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program.

(g) The department shall report the number of private prekindergarten providers or public schools that have received a good cause exemption and the reasons for the exemptions as part of its annual reporting requirements under s. 1002.82(7).

(7) Representatives from each school district and corresponding early learning coalitions must meet annually to develop strategies to transition students from the Voluntary Prekindergarten Education Program to kindergarten.

Section 42. Section 1002.69, Florida Statutes, is repealed.

Section 43. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), paragraphs (b) and (d) of subsection (6), and subsection (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

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(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The ~~department Office of Early Learning~~ shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area. Each coalition shall report student enrollment pursuant to subsection (2) on a monthly basis. A student enrollment count for the prior fiscal year may not be amended after September 30 of the subsequent fiscal year.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the ~~department's Office of Early Learning's~~ uniform attendance policy adopted pursuant to paragraph (6)(d).

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.



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2089  
2090 A child may reenroll only once in a prekindergarten program  
2091 under this section. A child who reenrolls in a prekindergarten  
2092 program under this subsection may not subsequently withdraw from  
2093 the program and reenroll, unless the child is granted a good  
2094 cause exemption under this subsection. The department Office of  
2095 ~~Early Learning~~ shall establish criteria specifying whether a  
2096 good cause exists for a child to withdraw from a program under  
2097 paragraph (a), whether a child has substantially completed a  
2098 program under paragraph (b), and whether an extreme hardship  
2099 exists which is beyond the child's or parent's control under  
2100 paragraph (b).

2101 (5)

2102 (b) The department Office of Early Learning shall adopt  
2103 procedures for the payment of private prekindergarten providers  
2104 and public schools delivering the Voluntary Prekindergarten  
2105 Education Program. The procedures shall provide for the advance  
2106 payment of providers and schools based upon student enrollment  
2107 in the program, the certification of student attendance, and the  
2108 reconciliation of advance payments in accordance with the  
2109 uniform attendance policy adopted under paragraph (6) (d). The  
2110 procedures shall provide for the monthly distribution of funds  
2111 by the department Office of Early Learning to the early learning  
2112 coalitions for payment by the coalitions to private  
2113 prekindergarten providers and public schools.

2114 (6)

2115 (b)1. Each private prekindergarten provider's and district  
2116 school board's attendance policy must require the parent of each  
2117 student in the Voluntary Prekindergarten Education Program to

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2118 verify, each month, the student's attendance on the prior  
2119 month's certified student attendance.

2120 2. The parent must submit the verification of the student's  
2121 attendance to the private prekindergarten provider or public  
2122 school on forms prescribed by the department Office of Early  
2123 ~~Learning~~. The forms must include, in addition to the  
2124 verification of the student's attendance, a certification, in  
2125 substantially the following form, that the parent continues to  
2126 choose the private prekindergarten provider or public school in  
2127 accordance with s. 1002.53 and directs that payments for the  
2128 program be made to the provider or school:

2129 VERIFICATION OF STUDENT'S ATTENDANCE

2130 AND CERTIFICATION OF PARENTAL CHOICE

2131 I, ...(Name of Parent)..., swear (or affirm) that my child,  
2132 ...(Name of Student)..., attended the Voluntary Prekindergarten  
2133 Education Program on the days listed above and certify that I  
2134 continue to choose ...(Name of Provider or School)... to deliver  
2135 the program for my child and direct that program funds be paid  
2136 to the provider or school for my child.

2137 ... (Signature of Parent) ...

2138 ... (Date) ...

2139  
2140 3. The private prekindergarten provider or public school  
2141 must keep each original signed form for at least 2 years. Each  
2142 private prekindergarten provider must permit the early learning  
2143 coalition, and each public school must permit the school  
2144 district, to inspect the original signed forms during normal  
2145 business hours. The department Office of Early Learning shall  
2146 adopt procedures for early learning coalitions and school

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districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and the school districts must comply with the review procedures.

(d) The department ~~Office of Early Learning~~ shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The department ~~Office of Early Learning~~ shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the

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Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Each early learning coalition may retain and expend no more than 4.0 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 44. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the department ~~Office of Early Learning~~, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher

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2205 observations, and personal identifying information of an  
 2206 enrolled child and his or her parent.

2207 (b) This exemption applies to the records of a child  
 2208 enrolled in the Voluntary Prekindergarten Education Program held  
 2209 by an early learning coalition, the ~~department Office of Early~~  
 2210 ~~Learning~~, or a Voluntary Prekindergarten Education Program  
 2211 provider before, on, or after the effective date of this  
 2212 exemption.

2213 Section 45. Section 1002.73, Florida Statutes, is amended  
 2214 to read:

2215 1002.73 Department of Education; powers and duties;  
 2216 accountability requirements.—

2217 (1) The department shall adopt by rule a standard statewide  
 2218 provider contract to be used with each Voluntary Prekindergarten  
 2219 Education Program provider, with standardized attachments by  
 2220 provider type. The department shall publish a copy of the  
 2221 standard statewide provider contract on its website. The  
 2222 standard statewide provider contract shall include, at a  
 2223 minimum, provisions for provider probation, termination for  
 2224 cause, and emergency termination for actions or inactions of a  
 2225 provider which pose an immediate and serious danger to the  
 2226 health, safety, or welfare of children. The standard statewide  
 2227 provider contract shall also include appropriate due process  
 2228 procedures. During the pendency of an appeal of a termination,  
 2229 the provider may not continue to offer its services. Any  
 2230 provision imposed upon a provider which is inconsistent with, or  
 2231 prohibited by, law is void and unenforceable ~~administer the~~  
 2232 ~~accountability requirements of the Voluntary Prekindergarten~~  
 2233 ~~Education Program at the state level.~~

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2234 (2) The department shall adopt procedures for ~~its~~:

2235 (a) The approval of prekindergarten director credentials  
 2236 under ss. 1002.55 and 1002.57.

2237 (b) The approval of emergent literacy and early mathematics  
 2238 skills training courses under ss. 1002.55 and 1002.59.

2239 (c) Annually notifying private prekindergarten providers  
 2240 and public schools placed on probation for not meeting the  
 2241 minimum performance metric or designation as required by s.  
 2242 1002.68 of the high-quality professional development  
 2243 opportunities developed or supported by the department.

2244 (d) The administration of the Voluntary Prekindergarten  
 2245 Education Program by the early learning coalitions, including,  
 2246 but not limited to, procedures for:

2247 1. Enrolling students in and determining the eligibility of  
 2248 children for the Voluntary Prekindergarten Education Program  
 2249 under s. 1002.53, which shall include the enrollment of children  
 2250 by public schools and private providers that meet specified  
 2251 requirements.

2252 2. Providing parents with profiles of private  
 2253 prekindergarten providers and public schools under s. 1002.53.

2254 3. Registering private prekindergarten providers and public  
 2255 schools to deliver the program under ss. 1002.55, 1002.61, and  
 2256 1002.63.

2257 4. Determining the eligibility of private prekindergarten  
 2258 providers to deliver the program under ss. 1002.55 and 1002.61  
 2259 and streamlining the process of determining provider eligibility  
 2260 whenever possible.

2261 5. Verifying the compliance of private prekindergarten  
 2262 providers and public schools and removing providers or schools

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2263 from eligibility to deliver the program due to noncompliance or  
 2264 misconduct as provided in s. 1002.67.

2265 6. Paying private prekindergarten providers and public  
 2266 schools under s. 1002.71.

2267 7. Documenting and certifying student enrollment and  
 2268 student attendance under s. 1002.71.

2269 8. Reconciling advance payments in accordance with the  
 2270 uniform attendance policy under s. 1002.71.

2271 9. Reenrolling students dismissed by a private  
 2272 prekindergarten provider or public school for noncompliance with  
 2273 the provider's or school district's attendance policy under s.  
 2274 1002.71.

2275 (3) The department shall administer the accountability  
 2276 requirements of the Voluntary Prekindergarten Education Program  
 2277 at the state level.

2278 (4) The department shall adopt procedures governing the  
 2279 administration of the Voluntary Prekindergarten Education  
 2280 Program by the early learning coalitions for:

2281 (a) Approving improvement plans of private prekindergarten  
 2282 providers and public schools under s. 1002.68.

2283 (b) Placing private prekindergarten providers and public  
 2284 schools on probation and requiring corrective actions under s.  
 2285 1002.68.

2286 (c) Removing a private prekindergarten provider or public  
 2287 school from eligibility to deliver the program due to the  
 2288 provider's or school's remaining on probation beyond the time  
 2289 permitted under s. 1002.68. Notwithstanding any other law, if a  
 2290 private prekindergarten provider has been cited for a class I  
 2291 violation, as defined by rule of the Child Care Services Program

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2292 Office of the Department of Children and Families, the coalition  
 2293 may refuse to contract with the provider or revoke the  
 2294 provider's eligibility to deliver the Voluntary Prekindergarten  
 2295 Education Program.

2296 (d) Enrolling children in and determining the eligibility  
 2297 of children for the Voluntary Prekindergarten Education Program  
 2298 under s. 1002.66.

2299 (e) Paying specialized instructional services providers  
 2300 under s. 1002.66.

2301 ~~(e) Administration of the statewide kindergarten screening~~  
 2302 ~~and calculation of kindergarten readiness rates under s.~~  
 2303 ~~1002.69.~~

2304 ~~(d) Implementation of, and determination of costs~~  
 2305 ~~associated with, the state-approved prekindergarten enrollment~~  
 2306 ~~screening and the standardized postassessment approved by the~~  
 2307 ~~department, and determination of the learning gains of students~~  
 2308 ~~who complete the state-approved prekindergarten enrollment~~  
 2309 ~~screening and the standardized postassessment approved by the~~  
 2310 ~~department.~~

2311 ~~(f)(e) Approving Approval of~~ specialized instructional  
 2312 services providers under s. 1002.66.

2313 ~~(f) Annual reporting of the percentage of kindergarten~~  
 2314 ~~students who meet all state readiness measures.~~

2315 (g) Granting of a private prekindergarten provider's or  
 2316 public school's request for a good cause exemption under s.  
 2317 1002.68 s. 1002.69(7).

2318 (5) The department shall adopt procedures for the  
 2319 distribution of funds to early learning coalitions under s.  
 2320 1002.71.

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2321 ~~(6)(3)~~ Except as provided by law, the department may not  
 2322 impose requirements on a private prekindergarten provider or  
 2323 public school that does not deliver the Voluntary  
 2324 Prekindergarten Education Program or receive state funds under  
 2325 this part.

2326 Section 46. Sections 1002.75, Florida Statutes, is  
 2327 repealed.

2328 Section 47. Section 1002.79, Florida Statutes, is amended  
 2329 to read:

2330 1002.79 Rulemaking authority.—The State Board of Education  
 2331 Office of Early Learning shall adopt rules under ss. 120.536(1)  
 2332 and 120.54 to administer the provisions of this part conferring  
 2333 duties upon the department office.

2334 Section 48. Section 1002.81, Florida Statutes, is amended  
 2335 to read:

2336 1002.81 Definitions.—Consistent with the requirements of 45  
 2337 C.F.R. parts 98 and 99 and as used in this part, the term:

2338 (1) "At-risk child" means:

2339 (a) A child from a family under investigation by the  
 2340 Department of Children and Families or a designated sheriff's  
 2341 office for child abuse, neglect, abandonment, or exploitation.

2342 (b) A child who is in a diversion program provided by the  
 2343 Department of Children and Families or its contracted provider  
 2344 and who is from a family that is actively participating and  
 2345 complying in department-prescribed activities, including  
 2346 education, health services, or work.

2347 (c) A child from a family that is under supervision by the  
 2348 Department of Children and Families or a contracted service  
 2349 provider for abuse, neglect, abandonment, or exploitation.

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2350 (d) A child placed in court-ordered, long-term custody or  
 2351 under the guardianship of a relative or nonrelative after  
 2352 termination of supervision by the Department of Children and  
 2353 Families or its contracted provider.

2354 (e) A child in the custody of a parent who is considered a  
 2355 victim of domestic violence and is receiving services through a  
 2356 certified domestic violence center.

2357 (f) A child in the custody of a parent who is considered  
 2358 homeless as verified by a Department of Children and Families  
 2359 certified homeless shelter.

2360 (2) "Authorized hours of care" means the hours of care that  
 2361 are necessary to provide protection, maintain employment, or  
 2362 complete work activities or eligible educational activities,  
 2363 including reasonable travel time.

2364 ~~(12)(3)~~ "Prevailing Average market rate" means the  
 2365 biennially determined 75th percentile of a reasonable frequency  
 2366 distribution average of the market rate by program care level  
 2367 and provider type in a predetermined geographic market at which  
 2368 child care providers charge a person for child care services.

2369 ~~(3)(4)~~ "Direct enhancement services" means services for  
 2370 families and children that are in addition to payments for the  
 2371 placement of children in the school readiness program. Direct  
 2372 enhancement services for families and children may include  
 2373 supports for providers, parent training and involvement  
 2374 activities, and strategies to meet the needs of unique  
 2375 populations and local eligibility priorities. Direct enhancement  
 2376 services offered by an early learning coalition shall be  
 2377 consistent with the activities prescribed in s. 1002.89(5)(b) ~~§-~~  
 2378 ~~1002.89(6)(b)~~.

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2379 (4)~~(5)~~ "Disenrollment" means the removal, either temporary  
 2380 or permanent, of a child from participation in the school  
 2381 readiness program. Removal of a child from the school readiness  
 2382 program may be based on the following events: a reduction in  
 2383 available school readiness program funding, participant's  
 2384 failure to meet eligibility or program participation  
 2385 requirements, fraud, or a change in local service priorities.  
 2386 (5)~~(6)~~ "Earned income" means gross remuneration derived  
 2387 from work, professional service, or self-employment. The term  
 2388 includes commissions, bonuses, back pay awards, and the cash  
 2389 value of all remuneration paid in a medium other than cash.  
 2390 (6)~~(7)~~ "Economically disadvantaged" means having a family  
 2391 income that does not exceed 150 percent of the federal poverty  
 2392 level and includes being a child of a working migratory family  
 2393 as defined by 34 C.F.R. s. 200.81(d) or (f) or an agricultural  
 2394 worker who is employed by more than one agricultural employer  
 2395 during the course of a year, and whose income varies according  
 2396 to weather conditions and market stability.  
 2397 (7)~~(8)~~ "Family income" means the combined gross income,  
 2398 whether earned or unearned, that is derived from any source by  
 2399 all family or household members who are 18 years of age or older  
 2400 who are currently residing together in the same dwelling unit.  
 2401 The term does not include income earned by a currently enrolled  
 2402 high school student who, since attaining the age of 18 years, or  
 2403 a student with a disability who, since attaining the age of 22  
 2404 years, has not terminated school enrollment or received a high  
 2405 school diploma, high school equivalency diploma, special  
 2406 diploma, or certificate of high school completion. The term also  
 2407 does not include food stamp benefits or federal housing

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2408 assistance payments issued directly to a landlord or the  
 2409 associated utilities expenses.  
 2410 (8)~~(9)~~ "Family or household members" means spouses, former  
 2411 spouses, persons related by blood or marriage, persons who are  
 2412 parents of a child in common regardless of whether they have  
 2413 been married, and other persons who are currently residing  
 2414 together in the same dwelling unit as if a family.  
 2415 (9)~~(10)~~ "Full-time care" means at least 6 hours, but not  
 2416 more than 11 hours, of child care or early childhood education  
 2417 services within a 24-hour period.  
 2418 (10)~~(11)~~ "Market rate" means the price that a child care or  
 2419 early childhood education provider charges for full-time or  
 2420 part-time daily, weekly, or monthly child care or early  
 2421 childhood education services.  
 2422 ~~(12) "Office" means the Office of Early Learning of the~~  
 2423 ~~Department of Education.~~  
 2424 (11)~~(13)~~ "Part-time care" means less than 6 hours of child  
 2425 care or early childhood education services within a 24-hour  
 2426 period.  
 2427 (13)~~(14)~~ "Single point of entry" means an integrated  
 2428 information system that allows a parent to enroll his or her  
 2429 child in the school readiness program or the Voluntary  
 2430 Prekindergarten Education Program at various locations  
 2431 throughout a county, that may allow a parent to enroll his or  
 2432 her child by telephone or through a website, and that uses a  
 2433 uniform waiting list to track eligible children waiting for  
 2434 enrollment in the school readiness program.  
 2435 (14)~~(15)~~ "Unearned income" means income other than earned  
 2436 income. The term includes, but is not limited to:

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- 2437 (a) Documented alimony and child support received.  
 2438 (b) Social security benefits.  
 2439 (c) Supplemental security income benefits.  
 2440 (d) Workers' compensation benefits.  
 2441 (e) Reemployment assistance or unemployment compensation  
 2442 benefits.  
 2443 (f) Veterans' benefits.  
 2444 (g) Retirement benefits.  
 2445 (h) Temporary cash assistance under chapter 414.  
 2446 (15)~~(16)~~ "Working family" means:  
 2447 (a) A single-parent family in which the parent with whom  
 2448 the child resides is employed or engaged in eligible work or  
 2449 education activities for at least 20 hours per week;  
 2450 (b) A two-parent family in which both parents with whom the  
 2451 child resides are employed or engaged in eligible work or  
 2452 education activities for a combined total of at least 40 hours  
 2453 per week; or  
 2454 (c) A two-parent family in which one of the parents with  
 2455 whom the child resides is exempt from work requirements due to  
 2456 age or disability, as determined and documented by a physician  
 2457 licensed under chapter 458 or chapter 459, and one parent is  
 2458 employed or engaged in eligible work or education activities at  
 2459 least 20 hours per week.  
 2460 Section 49. Section 1002.82, Florida Statutes, is amended  
 2461 to read:  
 2462 1002.82 Department of Education Office of Early Learning;  
 2463 powers and duties.—  
 2464 (1) For purposes of administration of the Child Care and  
 2465 Development Block Grant Trust Fund, pursuant to 45 C.F.R. parts

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- 2466 98 and 99, the Department of Education Office of Early Learning  
 2467 is designated as the lead agency and must comply with lead  
 2468 agency responsibilities pursuant to federal law. The department  
 2469 ~~office~~ may apply to the Governor and Cabinet for a waiver of,  
 2470 and the Governor and Cabinet may waive, any provision of ss.  
 2471 411.223 and 1003.54 if the waiver is necessary for  
 2472 implementation of the school readiness program. Section  
 2473 125.901(2)(a)3. does not apply to the school readiness program.  
 2474 (2) The department ~~office~~ shall:  
 2475 (a) Focus on improving the educational quality delivered by  
 2476 all providers participating in the school readiness program.  
 2477 (b) Preserve parental choice by permitting parents to  
 2478 choose from a variety of child care categories, including  
 2479 center-based care, family child care, and informal child care to  
 2480 the extent authorized in the state's Child Care and Development  
 2481 Fund Plan as approved by the United States Department of Health  
 2482 and Human Services pursuant to 45 C.F.R. s. 98.18. Care and  
 2483 curriculum by a faith-based provider may not be limited or  
 2484 excluded in any of these categories.  
 2485 (c) Be responsible for the prudent use of all public and  
 2486 private funds in accordance with all legal and contractual  
 2487 requirements, safeguarding the effective use of federal, state,  
 2488 and local resources to achieve the highest practicable level of  
 2489 school readiness for the children described in s. 1002.87,  
 2490 including:  
 2491 1. The adoption of a uniform chart of accounts for  
 2492 budgeting and financial reporting purposes that provides  
 2493 standardized definitions for expenditures and reporting,  
 2494 consistent with the requirements of 45 C.F.R. part 98 and s.

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2495 1002.89 for each of the following categories of expenditure:

2496 a. Direct services to children.

2497 b. Administrative costs.

2498 c. Quality activities.

2499 d. Nondirect services.

2500 2. Coordination with other state and federal agencies to

2501 perform data matches on children participating in the school

2502 readiness program and their families in order to verify the

2503 children's eligibility pursuant to s. 1002.87.

2504 (d) Establish procedures for the biennial calculation of

2505 the prevailing average market rate.

2506 (e) Review each early learning coalition's school readiness

2507 program plan every 2 years and provide final approval of the

2508 plan and any amendments submitted.

2509 (f) Establish a unified approach to the state's efforts to

2510 coordinate a comprehensive early learning program. In support of

2511 this effort, the department office:

2512 1. Shall adopt specific program support services that

2513 address the state's school readiness program, including:

2514 a. Statewide data information program requirements that

2515 include:

2516 (I) Eligibility requirements.

2517 (II) Financial reports.

2518 (III) Program accountability measures.

2519 (IV) Child progress reports.

2520 b. Child care resource and referral services.

2521 c. A single point of entry and uniform waiting list.

2522 2. May provide technical assistance and guidance on

2523 additional support services to complement the school readiness

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2524 program, including:

2525 ~~a. Rating and improvement systems.~~

2526 ~~a.b.~~ Warm-Line services.

2527 ~~b.e.~~ Anti-fraud plans.

2528 ~~d. School readiness program standards.~~

2529 ~~e. Child screening and assessments.~~

2530 ~~c.f.~~ Training and support for parental involvement in

2531 children's early education.

2532 ~~d.g.~~ Family literacy activities and services.

2533 (g) Provide technical assistance to early learning

2534 coalitions.

2535 (h) In cooperation with the early learning coalitions,

2536 coordinate with the Child Care Services Program Office of the

2537 Department of Children and Families to reduce paperwork and to

2538 avoid duplicating interagency activities, health and safety

2539 monitoring, and acquiring and composing data pertaining to child

2540 care training and credentialing.

2541 (i) Enter into a memorandum of understanding with local

2542 licensing agencies and the Child Care Services Program Office of

2543 the Department of Children and Families for inspections of

2544 school readiness program providers to monitor and verify

2545 compliance with s. 1002.88 and the health and safety checklist

2546 adopted by the department office. The provider contract of a

2547 school readiness program provider that refuses permission for

2548 entry or inspection shall be terminated. The health and safety

2549 checklist may not exceed the requirements of s. 402.305 and the

2550 Child Care and Development Fund pursuant to 45 C.F.R. part 98. A

2551 child development program that is accredited by a national

2552 accrediting body and operates on a military installation that is



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certified by the United States Department of Defense is exempted from the inspection requirements under s. 1002.88.

(j) Monitor the alignment and consistency of the ~~Develop~~ and ~~adopt~~ standards and benchmarks developed and adopted by the department that address the age-appropriate progress of children in the development of school readiness skills. The standards for children from birth to kindergarten entry ~~5 years of age~~ in the school readiness program must be aligned with the performance standards adopted for children in the Voluntary Prekindergarten Education Program and must address the following domains:

1. Approaches to learning.
2. Cognitive development and general knowledge.
3. Numeracy, language, and communication.
4. Physical development.
5. Self-regulation.

(k) Identify observation-based child assessments that are valid, reliable, and developmentally appropriate for use at least three times a year. The assessments must:

1. Provide interval level and norm-referenced ~~exclusion-referenced~~ data that measures equivalent levels of growth across the core domains of early childhood development and that can be used for determining developmentally appropriate learning gains.
2. Measure progress in the performance standards adopted pursuant to paragraph (j).
3. Provide for appropriate accommodations for children with disabilities and English language learners and be administered by qualified individuals, consistent with the developer's instructions.
4. Coordinate with the performance standards adopted by the

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department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program.

5. Provide data in a format for use in the single statewide information system to meet the requirements of paragraph (g) ~~(p)~~.

(1) Adopt a list of approved curricula that meet the performance standards for the school readiness program and establish a process for the review and approval of a provider's curriculum that meets the performance standards.

(m) Provide technical support to an early learning coalition to facilitate the use of ~~Adopt by rule~~ a standard statewide provider contract adopted by the department to be used with each school readiness program provider, with standardized attachments by provider type. The department ~~office~~ shall publish a copy of the standard statewide provider contract on its website. The standard statewide contract shall include, at a minimum, contracted slots, if applicable, in accordance with the Child Care and Development Block Grant Act of 2014, 45 C.F.R. parts 98 and 99; quality improvement strategies, if applicable; program assessment requirements; and provisions for provider probation, termination for cause, and emergency termination for those actions or inactions of a provider that pose an immediate and serious danger to the health, safety, or welfare of the children. The standard statewide provider contract shall also include appropriate due process procedures. During the pendency of an appeal of a termination, the provider may not continue to offer its services. Any provision imposed upon a provider that is inconsistent with, or prohibited by, law is void and unenforceable. Provisions for termination for cause must also

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include failure to meet the minimum quality measures established under paragraph (n) for a period of up to 5 years, unless the coalition determines that the provider is essential to meeting capacity needs based on the assessment under s. 1002.85(2)(j) and the provider has an active improvement plan pursuant to paragraph (n).

(n) Adopt a program assessment for school readiness program providers that measures the quality of teacher-child interactions, including emotional and behavioral support, engaged support for learning, classroom organization, and instructional support for children ages birth to 5 years. The implementation of the program assessment must also include the following components adopted by rule of the State Board of Education:

1. Quality measures, including a minimum program assessment composite score threshold for contracting purposes and program improvement through an improvement plan. The minimum program assessment composite score required for the Voluntary Prekindergarten Education Program contracting threshold must be the same as the minimum program assessment composite score required for contracting for the school readiness program. The methodology for the calculation of the minimum program assessment composite score shall be reviewed by the independent expert identified in s. 1002.68(4)(d).

2. Requirements for program participation, frequency of program assessment, and exemptions.

(o) No later than July 1, 2019, develop a differential payment program based on the quality measures adopted by the department ~~office~~ under paragraph (n). The differential payment

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may not exceed a total of 15 percent for each care level and unit of child care for a child care provider. No more than 5 percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide information system in the domains of language and executive functioning using a child assessment identified pursuant to paragraph (k). Providers below the minimum program assessment score adopted threshold for contracting purposes are ineligible for such payment.

(p) No later than July 1, 2022, develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by such children being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted slot program may also be used to increase the availability of child care capacity based on the assessment under s. 1002.85(2)(j).

(q) ~~(p)~~ Establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. By July 1, 2019, the system, subject to ss. 1002.72 and 1002.97, shall:

1. Allow a parent to monitor the development of his or her child as the child moves among programs within the state.

2. Enable analysis at the state, regional, and local level

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to measure child growth over time, program impact, and quality improvement and investment decisions.

(r)(e) Provide technical support to coalitions to facilitate the use of Adopt by rule standardized procedures adopted in state board rule for early learning coalitions to use when monitoring the compliance of school readiness program providers with the terms of the standard statewide provider contract.

(s)(e) At least biennially provide fiscal and programmatic monitoring to Monitor and evaluate the performance of each early learning coalition in administering the school readiness program, ensuring proper payments for school readiness program services, implementing the coalition's school readiness program plan, and administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(t)(e) Work in conjunction with the Bureau of Federal Education Programs within the Department of Education to coordinate readiness and voluntary prekindergarten services to the populations served by the bureau.

(u)(e) Administer a statewide toll-free Warm-Line to provide assistance and consultation to child care facilities and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs. The department office shall:

1. Annually inform child care facilities and family day care homes of the availability of this service through the child

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care resource and referral network under s. 1002.92.

2. Expand or contract for the expansion of the Warm-Line to maintain at least one Warm-Line in each early learning coalition service area.

(v)(e) Develop and implement strategies to increase the supply and improve the quality of child care services for infants and toddlers, children with disabilities, children who receive care during nontraditional hours, children in underserved areas, and children in areas that have significant concentrations of poverty and unemployment.

(w)(e) Establish preservice and inservice training requirements that address, at a minimum, school readiness child development standards, health and safety requirements, and social-emotional behavior intervention models, which may include positive behavior intervention and support models, including the integration of early learning professional development pathways established in s. 1002.995.

(x)(e) Establish standards for emergency preparedness plans for school readiness program providers.

(y)(e) Establish group sizes.

(z)(e) Establish staff-to-children ratios that do not exceed the requirements of s. 402.302(8) or (11) or s. 402.305(4), as applicable, for school readiness program providers.

(aa)(e) Establish eligibility criteria, including limitations based on income and family assets, in accordance with s. 1002.87 and federal law.

(3)(a) The department shall adopt performance standards and outcome measures for early learning coalitions that, at a

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2727 minimum, include the development of objective customer service  
 2728 surveys that shall be deployed beginning in fiscal year 2022-  
 2729 2023 and be distributed to:

2730 1. Customers who use the services in s. 1002.92 upon the  
 2731 completion of a referral inquiry.

2732 2. Parents, annually, at the time of eligibility  
 2733 determination.

2734 3. Child care providers that participate in the school  
 2735 readiness program or the Voluntary Prekindergarten Education  
 2736 Program at the time of execution of the statewide provider  
 2737 contract.

2738 4. Board members required under s. 1002.83.

2739 (b) Results of the survey shall be based on a statistically  
 2740 significant sample size and calculated annually for each early  
 2741 learning coalition and included in the department's annual  
 2742 report under subsection (7). If an early learning coalition's  
 2743 customer satisfaction survey results are below 60 percent, the  
 2744 coalition shall be placed on a 1-year corrective action plan.  
 2745 If, after being placed on corrective action, an early learning  
 2746 coalition's customer satisfaction survey results do not improve  
 2747 above the 60 percent threshold, the department may contract out  
 2748 or merge the coalition.

2749 (4)(3) If the department office determines during the  
 2750 review of school readiness program plans, or through monitoring  
 2751 and performance evaluations conducted under s. 1002.85, that an  
 2752 early learning coalition has not substantially implemented its  
 2753 plan, has not substantially met the performance standards and  
 2754 outcome measures adopted by the department office, or has not  
 2755 effectively administered the school readiness program or

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2756 Voluntary Prekindergarten Education Program, the department  
 2757 ~~office~~ may remove the coalition from eligibility to administer  
 2758 early learning programs and temporarily contract with a  
 2759 qualified entity to continue school readiness program and  
 2760 prekindergarten services in the coalition's county or  
 2761 multicounty region until the department office reestablishes or  
 2762 merges the coalition and a new school readiness program plan is  
 2763 approved in accordance with the rules adopted by the state board  
 2764 office.

2765 (5) The department shall adopt procedures for merging early  
 2766 learning coalitions for failure to meet the requirements of  
 2767 subsection (3) or subsection (4), including procedures for the  
 2768 consolidation of merging coalitions that minimize duplication of  
 2769 programs and services due to the merger, and for the early  
 2770 termination of the terms of the coalition members which are  
 2771 necessary to accomplish the mergers.

2772 (6)(4) The department office may request the Governor to  
 2773 apply for a waiver to allow a coalition to administer the Head  
 2774 Start Program to accomplish the purposes of the school readiness  
 2775 program.

2776 (7)(5) By January 1 of each year, the department office  
 2777 shall annually publish on its website a report of its activities  
 2778 conducted under this section. The report must include a summary  
 2779 of the coalitions' annual reports, a statewide summary, and the  
 2780 following:

2781 (a) An analysis of early learning activities throughout the  
 2782 state, including the school readiness program and the Voluntary  
 2783 Prekindergarten Education Program.

2784 1. The total and average number of children served in the

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2785 school readiness program, enumerated by age, eligibility  
 2786 priority category, and coalition, and the total number of  
 2787 children served in the Voluntary Prekindergarten Education  
 2788 Program.  
 2789 2. A summary of expenditures by coalition, by fund source,  
 2790 including a breakdown by coalition of the percentage of  
 2791 expenditures for administrative activities, quality activities,  
 2792 nondirect services, and direct services for children.  
 2793 3. A description of the department's office's and each  
 2794 coalition's expenditures by fund source for the quality and  
 2795 enhancement activities described in s. 1002.89(5)(b) ~~or~~  
 2796 ~~1002.89(6)(b)~~.  
 2797 4. A summary of annual findings and collections related to  
 2798 provider fraud and parent fraud.  
 2799 5. Data regarding the coalitions' delivery of early  
 2800 learning programs.  
 2801 6. The total number of children disenrolled statewide and  
 2802 the reason for disenrollment.  
 2803 7. The total number of providers by provider type.  
 2804 8. The number of school readiness program providers who  
 2805 have completed the program assessment required under paragraph  
 2806 (2)(n); the number of providers who have not met the minimum  
 2807 program assessment composite score threshold for contracting  
 2808 established under paragraph (2)(n); and the number of providers  
 2809 that have an active improvement plan based on the results of the  
 2810 program assessment under paragraph (2)(n).  
 2811 9. The total number of provider contracts revoked and the  
 2812 reasons for revocation.  
 2813 (b) A detailed summary of the analysis compiled using the

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2814 single statewide information system established in subsection  
 2815 (2) activities and detailed expenditures related to the Child  
 2816 Care Executive Partnership Program.  
 2817 ~~(8)(a)(6)(a)~~ Parental choice of child care providers,  
 2818 including private and faith-based providers, shall be  
 2819 established to the maximum extent practicable in accordance with  
 2820 45 C.F.R. s. 98.30.  
 2821 (b) As used in this subsection, the term "payment  
 2822 certificate" means a child care certificate as defined in 45  
 2823 C.F.R. s. 98.2.  
 2824 (c) The school readiness program shall, in accordance with  
 2825 45 C.F.R. s. 98.30, provide parental choice through a payment  
 2826 certificate that provides, to the maximum extent possible,  
 2827 flexibility in the school readiness program and payment  
 2828 arrangements. The payment certificate must bear the names of the  
 2829 beneficiary and the program provider and, when redeemed, must  
 2830 bear the signatures of both the beneficiary and an authorized  
 2831 representative of the provider.  
 2832 (d) If it is determined that a provider has given any cash  
 2833 or other consideration to the beneficiary in return for  
 2834 receiving a payment certificate, the early learning coalition or  
 2835 its fiscal agent shall refer the matter to the Department of  
 2836 Financial Services pursuant to s. 414.411 for investigation.  
 2837 ~~(9)(7)~~ Participation in the school readiness program does  
 2838 not expand the regulatory authority of the state, its officers,  
 2839 or an early learning coalition to impose any additional  
 2840 regulation on providers beyond those necessary to enforce the  
 2841 requirements set forth in this part and part V of this chapter.  
 2842 Section 50. Present subsections (5) through (14) of section

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2843 1002.83, Florida Statutes, are redesignated as subsections (6)  
 2844 through (15), respectively, a new subsection (5) is added to  
 2845 that section, and subsections (1) and (3), paragraphs (e), (f),  
 2846 and (m) of subsection (4), and present subsections (5), (11),  
 2847 and (13) of that section are amended, to read:

2848 1002.83 Early learning coalitions.—

2849 (1) ~~Thirty~~ Thirty-one or fewer early learning coalitions  
 2850 are established and shall maintain direct enhancement services  
 2851 at the local level and provide access to such services in all 67  
 2852 counties. Two or more early learning coalitions may join for  
 2853 purposes of planning and implementing a school readiness program  
 2854 and the Voluntary Prekindergarten Education Program.

2855 (3) The Governor shall appoint the chair and two other  
 2856 members of each early learning coalition, who must each meet the  
 2857 ~~same~~ qualifications of a as private sector business member  
 2858 ~~members appointed by the coalition~~ under subsection (6) ~~(5)~~. In  
 2859 the absence of a governor-appointed chair, the Commissioner of  
 2860 Education may appoint an interim chair from the current early  
 2861 learning coalition board membership.

2862 (4) Each early learning coalition must include the  
 2863 following member positions; however, in a multicounty coalition,  
 2864 each ex officio member position may be filled by multiple  
 2865 nonvoting members but no more than one voting member shall be  
 2866 seated per member position. If an early learning coalition has  
 2867 more than one member representing the same entity, only one of  
 2868 such members may serve as a voting member:

2869 (e) A children's services council or juvenile welfare board  
 2870 chair or executive director from each county, if applicable.

2871 (f) A Department of Children and Families child care

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2872 regulation representative or an agency head of a local licensing  
 2873 agency as defined in s. 402.302, where applicable.

2874 ~~(m) A central agency administrator, where applicable.~~

2875 (5) If members of the board are found to be  
 2876 nonparticipating according to the early learning coalition  
 2877 bylaws, the early learning coalition may request an alternate  
 2878 designee who meets the same qualifications or membership  
 2879 requirements of the nonparticipating member.

2880 (6)(5) The early learning coalition may appoint additional  
 2881 including the members who appointed by the Governor under  
 2882 subsection (3), more than one-third of the members of each early  
 2883 learning coalition must be private sector business members,  
 2884 either for-profit or nonprofit, who do not have, and none of  
 2885 whose relatives as defined in s. 112.3143 has, a substantial  
 2886 financial interest in the design or delivery of the Voluntary  
 2887 Prekindergarten Education Program created under part V of this  
 2888 chapter or the school readiness program. To meet this  
 2889 requirement, an early learning coalition must appoint additional  
 2890 members. The department office shall establish criteria for  
 2891 appointing private sector business members. These criteria must  
 2892 include standards for determining whether a member or relative  
 2893 has a substantial financial interest in the design or delivery  
 2894 of the Voluntary Prekindergarten Education Program or the school  
 2895 readiness program.

2896 (12)(11) Each early learning coalition shall establish  
 2897 terms for all appointed members of the coalition. The terms must  
 2898 be staggered and must be a uniform length that does not exceed 4  
 2899 years per term. Coalition chairs shall be appointed for 4 years  
 2900 pursuant to s. 20.052. Appointed members may serve a maximum of

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two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

~~(14)(13)~~ Each early learning coalition shall complete an annual evaluation of the early learning coalition's executive director or chief executive officer on forms adopted by the department. The annual evaluation must be submitted to the commissioner by June 30 of each year use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the office.

Section 51. Present subsections (7) through (20) of section 1002.84, Florida Statutes, are redesignated as subsections (8) through (21), respectively, a new subsection (7) is added to that section, and subsections (1), (2), and (4) and present subsections (7), (8), (15), (16), (17), (18), and (20) of that section are amended, to read:

1002.84 Early learning coalitions; school readiness powers and duties.—Each early learning coalition shall:

(1) Administer and implement a local comprehensive program of school readiness program services in accordance with this part and the rules adopted by the department office, which enhances the cognitive, social, and physical development of children to achieve the performance standards.

(2) Establish a uniform waiting list to track eligible children waiting for enrollment in the school readiness program in accordance with rules adopted by the State Board of Education office.

(4) Establish a regional Warm-Line as directed by the

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department office pursuant to s. 1002.82(2)(u) ~~s. 1002.82(2)(t)~~. Regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist child care facilities and family day care homes with inquiries relating to the strategies, curriculum, and environmental adaptations the child care facilities and family day care homes may need as they serve children with disabilities and other special needs.

(7) Use a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness program teachers in helping children attain the performance standards adopted by the department.

(8)(7) Determine child eligibility pursuant to s. 1002.87 and provider eligibility pursuant to s. 1002.88. Child eligibility must be redetermined annually. A coalition must document the reason a child is no longer eligible for the school readiness program according to the standard codes prescribed by the department office.

(9)(8) Establish a parent sliding fee scale that provides for a parent copayment that is not a barrier to families receiving school readiness program services. ~~Providers are required to collect the parent's copayment.~~ A coalition may, ~~on a case-by-case basis~~, waive the copayment for an at-risk child or temporarily waive the copayment for a child whose family's income is at or below the federal poverty level or ~~and~~ whose family experiences a natural disaster or an event that limits the parent's ability to pay, such as incarceration, placement in residential treatment, or becoming homeless, or an emergency situation such as a household fire or burglary, or while the parent is participating in parenting classes or participating in

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2959 an Early Head Start program or Head Start Program. A parent may  
 2960 not transfer school readiness program services to another school  
 2961 readiness program provider until the parent has submitted  
 2962 documentation from the current school readiness program provider  
 2963 to the early learning coalition stating that the parent has  
 2964 satisfactorily fulfilled the copayment obligation.

2965 ~~(16)-(15)~~ Monitor school readiness program providers in  
 2966 accordance with its plan, or in response to a parental  
 2967 complaint, to verify that the standards prescribed in ss.  
 2968 1002.82 and 1002.88 are being met using a standard monitoring  
 2969 tool adopted by the department office. Providers determined to  
 2970 be high-risk by the coalition, as demonstrated by substantial  
 2971 findings of violations of federal law or the general or local  
 2972 laws of the state, shall be monitored more frequently. Providers  
 2973 with 3 consecutive years of compliance may be monitored  
 2974 biennially.

2975 ~~(17)-(16)~~ Adopt a payment schedule that encompasses all  
 2976 programs funded under this part and part V of this chapter. The  
 2977 payment schedule must take into consideration the prevailing  
 2978 ~~average~~ market rate, include the projected number of children to  
 2979 be served, and be submitted for approval by the department  
 2980 office. Informal child care arrangements shall be reimbursed at  
 2981 not more than 50 percent of the rate adopted for a family day  
 2982 care home.

2983 ~~(18)-(17)~~ Implement an anti-fraud plan addressing the  
 2984 detection, reporting, and prevention of overpayments, abuse, and  
 2985 fraud relating to the provision of and payment for school  
 2986 readiness program and Voluntary Prekindergarten Education  
 2987 Program services and submit the plan to the department office

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2988 for approval, as required by s. 1002.91.

2989 ~~(19)-(18)~~ By October 1 of each year, submit an annual report  
 2990 to the department office. The report shall conform to the format  
 2991 adopted by the department office and must include:

2992 (a) Segregation of school readiness program funds,  
 2993 Voluntary Prekindergarten Education Program funds, ~~Child Care~~  
 2994 ~~Executive Partnership Program funds~~, and other local revenues  
 2995 available to the coalition.

2996 (b) Details of expenditures by fund source, including total  
 2997 expenditures for administrative activities, quality activities,  
 2998 nondirect services, and direct services for children.

2999 (c) The total number of coalition staff and the related  
 3000 expenditures for salaries and benefits. For any subcontracts,  
 3001 the total number of contracted staff and the related  
 3002 expenditures for salaries and benefits must be included.

3003 (d) The number of children served in the school readiness  
 3004 program, by provider type, enumerated by age and eligibility  
 3005 priority category, reported as the number of children served  
 3006 during the month, the average participation throughout the  
 3007 month, and the number of children served during the month.

3008 (e) The total number of children disenrolled during the  
 3009 year and the reasons for disenrollment.

3010 (f) The total number of providers by provider type.

3011 (g) A listing of any school readiness program provider, by  
 3012 type, whose eligibility to deliver the school readiness program  
 3013 is revoked, including a brief description of the state or  
 3014 federal violation that resulted in the revocation.

3015 (h) An evaluation of its direct enhancement services.

3016 (i) The total number of children served in each provider

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3017 facility.

3018 ~~(21)(a)(20)~~ To increase transparency and accountability,  
 3019 comply with the requirements of this section before contracting  
 3020 with one or more of the following persons or business entities  
 3021 which employs, has a contractual relationship with, or is owned  
 3022 by the following persons:

3023 1. A member of the coalition appointed pursuant to s.  
 3024 1002.83(3);

3025 2. A board member of any other early learning subrecipient  
 3026 entity;

3027 3. A coalition employee; or

3028 4. A relative, as defined in s. 112.3143(1)(c), of any  
 3029 person listed in subparagraphs 1.-3 a coalition member or of an  
 3030 employee of the coalition.

3031 (b) Such contracts may not be executed without the approval  
 3032 of the department office. Such contracts, as well as  
 3033 documentation demonstrating adherence to this section by the  
 3034 coalition, must be approved by a two-thirds vote of the  
 3035 coalition, a quorum having been established; all conflicts of  
 3036 interest must be disclosed before the vote; and any member who  
 3037 may benefit from the contract, or whose relative may benefit  
 3038 from the contract, must abstain from the vote. A contract under  
 3039 \$25,000 ~~between an early learning coalition and a member of that~~  
 3040 ~~coalition or between a relative, as defined in s.~~  
 3041 ~~112.3143(1)(c), of a coalition member or of an employee of the~~  
 3042 ~~coalition~~ is not required to have the prior approval of the  
 3043 department office but must be approved by a two-thirds vote of  
 3044 the coalition, a quorum having been established, and must be  
 3045 reported to the department office within 30 days after approval.

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3046 If a contract cannot be approved by the department office, a  
 3047 review of the decision to disapprove the contract may be  
 3048 requested by the early learning coalition or other parties to  
 3049 the disapproved contract.

3050 Section 52. Section 1002.85, Florida Statutes, is amended  
 3051 to read:

3052 1002.85 Early learning coalition plans.—

3053 (1) The department office shall adopt rules prescribing the  
 3054 standardized format and required content of school readiness  
 3055 program plans as necessary for a coalition or other qualified  
 3056 entity to administer the school readiness program as provided in  
 3057 this part.

3058 (2) Each early learning coalition must biennially submit a  
 3059 school readiness program plan to the department office before  
 3060 the expenditure of funds. A coalition may not implement its  
 3061 school readiness program plan until it receives approval from  
 3062 the department office. A coalition may not implement any  
 3063 revision to its school readiness program plan until the  
 3064 coalition submits the revised plan to and receives approval from  
 3065 the department office. If the department office rejects a plan  
 3066 or revision, the coalition must continue to operate under its  
 3067 previously approved plan. The plan must include, but is not  
 3068 limited to:

3069 (a) The coalition's operations, including its membership  
 3070 and business organization, and the coalition's articles of  
 3071 incorporation and bylaws if the coalition is organized as a  
 3072 corporation. If the coalition is not organized as a corporation  
 3073 or other business entity, the plan must include the contract  
 3074 with a fiscal agent.

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3075 (b) The minimum number of children to be served by care  
 3076 level.

3077 (c) The coalition's procedures for implementing the  
 3078 requirements of this part, including:

3079 1. Single point of entry.  
 3080 2. Uniform waiting list.  
 3081 3. Eligibility and enrollment processes and local  
 3082 eligibility priorities for children pursuant to s. 1002.87.  
 3083 4. Parent access and choice.  
 3084 5. Sliding fee scale and policies on applying the waiver or  
 3085 reduction of fees in accordance with s. 1002.84(9) ~~or~~  
 3086 ~~1002.84(8)~~.

3087 6. Use of preassessments and postassessments, as  
 3088 applicable.

3089 7. Payment rate schedule.  
 3090 8. Use of contracted slots, as applicable, based on the  
 3091 results of the assessment required under paragraph (j).

3092 (d) A detailed description of the coalition's quality  
 3093 activities and services, including, but not limited to:

3094 1. Resource and referral and school-age child care.  
 3095 2. Infant and toddler early learning.  
 3096 3. Inclusive early learning programs.  
 3097 4. Quality improvement strategies that strengthen teaching  
 3098 practices and increase child outcomes.

3099 (e) A detailed budget that outlines estimated expenditures  
 3100 for state, federal, and local matching funds at the lowest level  
 3101 of detail available by other-cost-accumulator code number; all  
 3102 estimated sources of revenue with identifiable descriptions; a  
 3103 listing of full-time equivalent positions; contracted

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3104 subcontractor costs with related annual compensation amount or  
 3105 hourly rate of compensation; and a capital improvements plan  
 3106 outlining existing fixed capital outlay projects and proposed  
 3107 capital outlay projects that will begin during the budget year.

3108 (f) A detailed accounting, in the format prescribed by the  
 3109 department office, of all revenues and expenditures during the  
 3110 previous state fiscal year. Revenue sources should be  
 3111 identifiable, and expenditures should be reported by two ~~three~~  
 3112 categories: state and federal funds and, local matching funds,  
 3113 ~~and Child Care Executive Partnership Program funds~~.

3114 (g) Updated policies and procedures, including those  
 3115 governing procurement, maintenance of tangible personal  
 3116 property, maintenance of records, information technology  
 3117 security, and disbursement controls.

3118 (h) A description of the procedures for monitoring school  
 3119 readiness program providers, including in response to a parental  
 3120 complaint, to determine that the standards prescribed in ss.  
 3121 1002.82 and 1002.88 are met using a standard monitoring tool  
 3122 adopted by the department office. Providers determined to be  
 3123 high risk by the coalition as demonstrated by substantial  
 3124 findings of violations of law shall be monitored more  
 3125 frequently.

3126 (i) Documentation that the coalition has solicited and  
 3127 considered comments regarding the proposed school readiness  
 3128 program plan from the local community.

3129 (j) An assessment of local priorities within the county or  
 3130 multicounty region based on the needs of families and provider  
 3131 capacity using available community data.

3132 (3) The coalition may periodically amend its plan as

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necessary. An amended plan must be submitted to and approved by the ~~department office~~ before any expenditures are incurred on the new activities proposed in the amendment.

(4) The ~~department office~~ shall publish a copy of the standardized format and required content of school readiness program plans on its website.

(5) The ~~department office~~ shall collect and report data on coalition delivery of early learning programs. Elements shall include, but are not limited to, measures related to progress towards reducing the number of children on the waiting list, the percentage of children served by the program as compared to the number of administrative staff and overhead, the percentage of children served compared to total number of children under the age of 5 years below 150 percent of the federal poverty level, provider payment processes, fraud intervention, child attendance and stability, use of child care resource and referral, and kindergarten readiness outcomes for children in the Voluntary Prekindergarten Education Program or the school readiness program upon entry into kindergarten. The ~~department office~~ shall request input from the coalitions and school readiness program providers before finalizing the format and data to be used. The report shall be implemented beginning July 1, 2014, and results of the report must be included in the annual report under s. 1002.82.

Section 53. Paragraphs (a), (b), (c), (e), (f), (m), (n), (p), and (q) of subsection (1) and subsection (3) of section 1002.88, Florida Statutes, are amended, and paragraph (s) is added to subsection (1) of that section, to read:

1002.88 School readiness program provider standards;

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eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(a) Be a child care facility licensed under s. 402.305, a family day care home licensed or registered under s. 402.313, a large family child care home licensed under s. 402.3131, a public school or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care provider exempt from licensure under s. 402.316, a before-school or after-school program described in s. 402.305(1)(c), a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, ~~or~~ an informal child care provider to the extent authorized in the state's Child Care and Development Fund Plan as approved by the United States Department of Health and Human Services pursuant to 45 C.F.R. s. 98.18, or a provider who has been issued a provisional license pursuant to s. 402.309. A provider may not deliver the program while holding a probation-status license under s. 402.310.

(b) Provide instruction and activities to enhance the age-appropriate progress of each child in attaining the child development standards adopted by the ~~department office~~ pursuant to s. 1002.82(2)(j). A provider should include activities to foster brain development in infants and toddlers; provide an environment that is rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses; and include 30 minutes of reading to children each day.

(c) Provide basic health and safety of its premises and

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3191 facilities and compliance with requirements for age-appropriate  
 3192 immunizations of children enrolled in the school readiness  
 3193 program.

3194 1. For a provider that is licensed, compliance with s.  
 3195 402.305, s. 402.3131, or s. 402.313 and this subsection, as  
 3196 verified pursuant to s. 402.311, satisfies this requirement.

3197 2. For a provider that is a registered family day care home  
 3198 or is not subject to licensure or registration by the Department  
 3199 of Children and Families, compliance with this subsection, as  
 3200 verified pursuant to s. 402.311, satisfies this requirement.  
 3201 Upon verification pursuant to s. 402.311, the provider shall  
 3202 annually post the health and safety checklist adopted by the  
 3203 department office prominently on its premises in plain sight for  
 3204 visitors and parents and shall annually submit the checklist to  
 3205 its local early learning coalition.

3206 3. For a child development program that is accredited by a  
 3207 national accrediting body and operates on a military  
 3208 installation that is certified by the United States Department  
 3209 of Defense, the submission and verification of annual  
 3210 inspections pursuant to United States Department of Defense  
 3211 Instructions 6060.2 and 1402.05 satisfies this requirement.

3212 (e) Employ child care personnel, as defined in s.  
 3213 402.302(3), who have satisfied the screening requirements of  
 3214 chapter 402 and fulfilled the training requirements of the  
 3215 department office.

3216 (f) Implement one of the curricula approved by the  
 3217 department office that meets the child development standards.

3218 (m) For a provider that is not an informal provider,  
 3219 maintain general liability insurance and provide the coalition

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3220 with written evidence of general liability insurance coverage,  
 3221 including coverage for transportation of children if school  
 3222 readiness program children are transported by the provider. A  
 3223 provider must obtain and retain an insurance policy that  
 3224 provides a minimum of \$100,000 of coverage per occurrence and a  
 3225 minimum of \$300,000 general aggregate coverage. The department  
 3226 office may authorize lower limits upon request, as appropriate.  
 3227 A provider must add the coalition as a named certificateholder  
 3228 and as an additional insured. A provider must provide the  
 3229 coalition with a minimum of 10 calendar days' advance written  
 3230 notice of cancellation of or changes to coverage. The general  
 3231 liability insurance required by this paragraph must remain in  
 3232 full force and effect for the entire period of the provider  
 3233 contract with the coalition.

3234 (n) For a provider that is an informal provider, comply  
 3235 with the provisions of paragraph (m) or maintain homeowner's  
 3236 liability insurance and, if applicable, a business rider. If an  
 3237 informal provider chooses to maintain a homeowner's policy, the  
 3238 provider must obtain and retain a homeowner's insurance policy  
 3239 that provides a minimum of \$100,000 of coverage per occurrence  
 3240 and a minimum of \$300,000 general aggregate coverage. The  
 3241 department office may authorize lower limits upon request, as  
 3242 appropriate. An informal provider must add the coalition as a  
 3243 named certificateholder and as an additional insured. An  
 3244 informal provider must provide the coalition with a minimum of  
 3245 10 calendar days' advance written notice of cancellation of or  
 3246 changes to coverage. The general liability insurance required by  
 3247 this paragraph must remain in full force and effect for the  
 3248 entire period of the provider's contract with the coalition.

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3249 (p) Notwithstanding paragraph (m), for a provider that is a  
 3250 state agency or a subdivision thereof, as defined in s.  
 3251 768.28(2), agree to notify the coalition of any additional  
 3252 liability coverage maintained by the provider in addition to  
 3253 that otherwise established under s. 768.28. The provider shall  
 3254 indemnify the coalition to the extent permitted by s. 768.28.  
 3255 Notwithstanding paragraph (m), for a child development program  
 3256 that is accredited by a national accrediting body and operates  
 3257 on a military installation that is certified by the United  
 3258 States Department of Defense, the provider may demonstrate  
 3259 liability coverage by affirming that it is subject to the  
 3260 Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.  
 3261 (q) Execute the standard statewide provider contract  
 3262 adopted by the department ~~office~~.  
 3263 (s) Collect all parent copayment fees unless a waiver has  
 3264 been granted under s. 1002.84(9).  
 3265 (3) The department ~~office~~ and the coalitions may not:  
 3266 (a) Impose any requirement on a child care provider or  
 3267 early childhood education provider that does not deliver  
 3268 services under the school readiness program or receive state or  
 3269 federal funds under this part;  
 3270 (b) Impose any requirement on a school readiness program  
 3271 provider that exceeds the authority provided under this part or  
 3272 part V of this chapter or rules adopted pursuant to this part or  
 3273 part V of this chapter; or  
 3274 (c) Require a provider to administer a preassessment or  
 3275 postassessment.  
 3276 Section 54. Subsections (2), (3), and (6) of section  
 3277 1002.89, Florida Statutes, are amended to read:

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3278 1002.89 School readiness program; funding.—  
 3279 ~~(2) The office shall administer school readiness program~~  
 3280 ~~funds and prepare and submit a unified budget request for the~~  
 3281 ~~school readiness program in accordance with chapter 216.~~  
 3282 ~~(2) (3)~~ All instructions to early learning coalitions for  
 3283 administering this section shall emanate from the department  
 3284 ~~office~~ in accordance with the policies of the Legislature.  
 3285 ~~(5) (6)~~ Costs shall be kept to the minimum necessary for the  
 3286 efficient and effective administration of the school readiness  
 3287 program with the highest priority of expenditure being direct  
 3288 services for eligible children. However, no more than 5 percent  
 3289 of the funds described in subsection (4) ~~subsection (5)~~ may be  
 3290 used for administrative costs and no more than 22 percent of the  
 3291 funds described in subsection (4) ~~subsection (5)~~ may be used in  
 3292 any fiscal year for any combination of administrative costs,  
 3293 quality activities, and nondirect services as follows:  
 3294 (a) Administrative costs as described in 45 C.F.R. s. 98.54  
 3295 ~~45 C.F.R. s. 98.52~~, which shall include monitoring providers  
 3296 using the standard methodology adopted under s. 1002.82 to  
 3297 improve compliance with state and federal regulations and law  
 3298 pursuant to the requirements of the statewide provider contract  
 3299 adopted under s. 1002.82(2) (m).  
 3300 (b) Activities to improve the quality of child care as  
 3301 described in 45 C.F.R. s. 98.53 ~~45 C.F.R. s. 98.51~~, which shall  
 3302 be limited to the following:  
 3303 1. Developing, establishing, expanding, operating, and  
 3304 coordinating resource and referral programs specifically related  
 3305 to the provision of comprehensive consumer education to parents  
 3306 and the public to promote informed child care choices specified

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in 45 C.F.R. s. 98.33.

2. Awarding grants and providing financial support to school readiness program providers and their staff to assist them in meeting applicable state requirements for the program assessment required under s. 1002.82(2)(n), child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training. Any grants awarded pursuant to this subparagraph shall comply with ss. 215.971 and 287.058.

3. Providing training, technical assistance, and financial support to school readiness program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.

4. Providing, from among the funds provided for the activities described in subparagraphs 1.-3., adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.

5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements as described in and limited by 45 C.F.R. s. 98.40.

6. Responding to Warm-Line requests by providers and

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parents, including providing developmental and health screenings to school readiness program children.

(c) Nondirect services as described in applicable Office of Management and Budget instructions are those services not defined as administrative, direct, or quality services that are required to administer the school readiness program. Such services include, but are not limited to:

1. Assisting families to complete the required application and eligibility documentation.
2. Determining child and family eligibility.
3. Recruiting eligible child care providers.
4. Processing and tracking attendance records.
5. Developing and maintaining a statewide child care information system.

As used in this paragraph, the term "nondirect services" does not include payments to school readiness program providers for direct services provided to children who are eligible under s. 1002.87, administrative costs as described in paragraph (a), or quality activities as described in paragraph (b).

Section 55. Subsection (1), paragraph (a) of subsection (2), and subsections (4), (5), and (6) of section 1002.895, Florida Statutes, are amended to read:

1002.895 Market rate schedule.—The school readiness program market rate schedule shall be implemented as follows:

(1) The department ~~office~~ shall establish procedures for the adoption of a market rate schedule. The schedule must include, at a minimum, county-by-county rates:

- (a) The market rate, including the minimum and the maximum

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rates for child care providers that hold a Gold Seal Quality Care designation under s. 1002.945 and adhere to its accrediting association's teacher-to-child ratios and group size requirements ~~s. 402.281~~.

(b) The market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(2) The market rate schedule, at a minimum, must:

(a) Differentiate rates by type, including, but not limited to, a child care provider that holds a Gold Seal Quality Care designation under s. 1002.945 and adheres to its accrediting association's teacher-to-child ratios and group size requirements ~~s. 402.281~~, a child care facility licensed under s. 402.305, a public or nonpublic school exempt from licensure under s. 402.3025, a faith-based child care facility exempt from licensure under s. 402.316 that does not hold a Gold Seal Quality Care designation, a large family child care home licensed under s. 402.3131, or a family day care home licensed or registered under s. 402.313.

(4) The market rate schedule shall be considered by an early learning coalition in the adoption of a payment schedule. The payment schedule must take into consideration the prevailing average market rate ~~and~~, include the projected number of children to be served by each county, and be submitted for approval by the department office. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(5) The department office may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

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(6) The department office may adopt rules for establishing procedures for the collection of child care providers' market rate, the calculation of the prevailing average market rate by program care level and provider type in a predetermined geographic market, and the publication of the market rate schedule.

Section 56. Section 1002.91, Florida Statutes, is amended to read:

1002.91 Investigations of fraud or overpayment; penalties.—

(1) As used in this subsection, the term "fraud" means an intentional deception, omission, or misrepresentation made by a person with knowledge that the deception, omission, or misrepresentation may result in unauthorized benefit to that person or another person, or any aiding and abetting of the commission of such an act. The term includes any act that constitutes fraud under applicable federal or state law.

(2) To recover state, federal, and local matching funds, the department office shall investigate early learning coalitions, recipients, and providers of the school readiness program and the Voluntary Prekindergarten Education Program to determine possible fraud or overpayment. If by its own inquiries, or as a result of a complaint, the department office has reason to believe that a person, coalition, or provider has engaged in, or is engaging in, a fraudulent act, it shall investigate and determine whether any overpayment has occurred due to the fraudulent act. During the investigation, the department office may examine all records, including electronic benefits transfer records, and make inquiry of all persons who may have knowledge as to any irregularity incidental to the

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disbursement of public moneys or other items or benefits  
authorizations to recipients.

(3) Based on the results of the investigation, the  
department office may, in its discretion, refer the  
investigation to the Department of Financial Services for  
criminal investigation or refer the matter to the applicable  
coalition. Any suspected criminal violation identified by the  
department office must be referred to the Department of  
Financial Services for criminal investigation.

(4) An early learning coalition may suspend or terminate a  
provider from participation in the school readiness program or  
the Voluntary Prekindergarten Education Program when it has  
reasonable cause to believe that the provider has committed  
fraud. The department office shall adopt by rule appropriate due  
process procedures that the early learning coalition shall apply  
in suspending or terminating any provider, including the  
suspension or termination of payment. If suspended, the provider  
shall remain suspended until the completion of any investigation  
by the department office, the Department of Financial Services,  
or any other state or federal agency, and any subsequent  
prosecution or other legal proceeding.

(5) If a school readiness program provider or a Voluntary  
Prekindergarten Education Program provider, or an owner,  
officer, or director thereof, is convicted of, found guilty of,  
or pleads guilty or nolo contendere to, regardless of  
adjudication, public assistance fraud pursuant to s. 414.39, or  
is acting as the beneficial owner for someone who has been  
convicted of, found guilty of, or pleads guilty or nolo  
contendere to, regardless of adjudication, public assistance

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fraud pursuant to s. 414.39, the early learning coalition shall  
refrain from contracting with, or using the services of, that  
provider for a period of 5 years. In addition, the coalition  
shall refrain from contracting with, or using the services of,  
any provider that shares an officer or director with a provider  
that is convicted of, found guilty of, or pleads guilty or nolo  
contendere to, regardless of adjudication, public assistance  
fraud pursuant to s. 414.39 for a period of 5 years.

(6) If the investigation is not confidential or otherwise  
exempt from disclosure by law, the results of the investigation  
may be reported by the department office to the appropriate  
legislative committees, the Department of Children and Families,  
and such other persons as the department office deems  
appropriate.

(7) The early learning coalition may not contract with a  
school readiness program provider or a Voluntary Prekindergarten  
Education Program provider who is on the United States  
Department of Agriculture National Disqualified List. In  
addition, the coalition may not contract with any provider that  
shares an officer or director with a provider that is on the  
United States Department of Agriculture National Disqualified  
List.

(8) Each early learning coalition shall adopt an anti-fraud  
plan addressing the detection and prevention of overpayments,  
abuse, and fraud relating to the provision of and payment for  
school readiness program and Voluntary Prekindergarten Education  
Program services and submit the plan to the department office  
for approval. The department office shall adopt rules  
establishing criteria for the anti-fraud plan, including

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3481 appropriate due process provisions. The anti-fraud plan must  
3482 include, at a minimum:

3483 (a) A written description or chart outlining the  
3484 organizational structure of the plan's personnel who are  
3485 responsible for the investigation and reporting of possible  
3486 overpayment, abuse, or fraud.

3487 (b) A description of the plan's procedures for detecting  
3488 and investigating possible acts of fraud, abuse, or overpayment.

3489 (c) A description of the plan's procedures for the  
3490 mandatory reporting of possible overpayment, abuse, or fraud to  
3491 the Office of Inspector General within the department office.

3492 (d) A description of the plan's program and procedures for  
3493 educating and training personnel on how to detect and prevent  
3494 fraud, abuse, and overpayment.

3495 (e) A description of the plan's procedures, including the  
3496 appropriate due process provisions adopted by the department  
3497 office for suspending or terminating from the school readiness  
3498 program or the Voluntary Prekindergarten Education Program a  
3499 recipient or provider who the early learning coalition believes  
3500 has committed fraud.

3501 (9) A person who commits an act of fraud as defined in this  
3502 section is subject to the penalties provided in s. 414.39(5) (a)  
3503 and (b).

3504 Section 57. Subsections (1) and (2) and paragraphs (a),  
3505 (c), and (d) of subsection (3) of section 1002.92, Florida  
3506 Statutes, are amended to read:

3507 1002.92 Child care and early childhood resource and  
3508 referral.—

3509 (1) As a part of the school readiness program, the

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3510 department office shall establish a statewide child care  
3511 resource and referral network that is unbiased and provides  
3512 referrals to families for child care and information on  
3513 available community resources. Preference shall be given to  
3514 using early learning coalitions as the child care resource and  
3515 referral agencies. If an early learning coalition cannot comply  
3516 with the requirements to offer the resource information  
3517 component or does not want to offer that service, the early  
3518 learning coalition shall select the resource and referral agency  
3519 for its county or multicounty region based upon the procurement  
3520 requirements of s. 1002.84(13) ~~s. 1002.84(12)~~.

3521 (2) At least one child care resource and referral agency  
3522 must be established in each early learning coalition's county or  
3523 multicounty region. The department office shall adopt rules  
3524 regarding accessibility of child care resource and referral  
3525 services offered through child care resource and referral  
3526 agencies in each county or multicounty region which include, at  
3527 a minimum, required hours of operation, methods by which parents  
3528 may request services, and child care resource and referral staff  
3529 training requirements.

3530 (3) Child care resource and referral agencies shall provide  
3531 the following services:

3532 (a) Identification of existing public and private child  
3533 care and early childhood education services, including child  
3534 care services by public and private employers, and the  
3535 development of an early learning provider performance profile ~~a~~  
3536 ~~resource file~~ of those services through the single statewide  
3537 information system developed by the department office under s.  
3538 1002.82(2)(g) ~~s. 1002.82(2)(p)~~. These services may include

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3539 family day care, public and private child care programs, the  
 3540 Voluntary Prekindergarten Education Program, Head Start, the  
 3541 school readiness program, special education programs for  
 3542 prekindergarten children with disabilities, services for  
 3543 children with developmental disabilities, full-time and part-  
 3544 time programs, before-school and after-school programs, and  
 3545 ~~vacation care programs, parent education, the temporary cash~~  
 3546 ~~assistance program, and related family support services.~~ The  
 3547 early learning provider performance profile resource file shall  
 3548 include, but not be limited to:  
 3549 1. Type of program.  
 3550 2. Hours of service.  
 3551 3. Ages of children served.  
 3552 4. Number of children served.  
 3553 5. Program information.  
 3554 6. Fees and eligibility for services.  
 3555 7. Availability of transportation.  
 3556 8. Participation in the Child Care Food Program, if  
 3557 applicable.  
 3558 9. A link to licensing inspection reports, if applicable.  
 3559 10. The components of the Voluntary Prekindergarten  
 3560 Education Program performance metric calculated under s. 1002.68  
 3561 which must consist of the program assessment composite score,  
 3562 learning gains score, achievement score, and its designations,  
 3563 if applicable.  
 3564 11. The school readiness program assessment composite score  
 3565 and program assessment care level composite score results  
 3566 delineated by infant classrooms, toddler classrooms, and  
 3567 preschool classrooms results under s. 1002.82, if applicable.

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3568 12. Gold Seal Quality Care designation under s. 1002.945,  
 3569 if applicable.  
 3570 13. Indication of whether the provider implements a  
 3571 curriculum approved by the department and the name of the  
 3572 curriculum, if applicable.  
 3573 14. Participation in the school readiness child assessment  
 3574 under s. 1002.82.  
 3575 (c) Maintenance of ongoing documentation of requests for  
 3576 service tabulated through the internal referral process through  
 3577 the single statewide information system. The following  
 3578 documentation of requests for service shall be maintained by the  
 3579 child care resource and referral network:  
 3580 1. Number of calls and contacts to the child care resource  
 3581 information and referral network component by type of service  
 3582 requested.  
 3583 2. Ages of children for whom service was requested.  
 3584 3. Time category of child care requests for each child.  
 3585 4. Special time category, such as nights, weekends, and  
 3586 swing shift.  
 3587 5. Reason that the child care is needed.  
 3588 6. Customer service survey data required under s.  
 3589 1002.82(3) Name of the employer and primary focus of the  
 3590 business for an employer-based child care program.  
 3591 (d) Assistance to families that connects them to parent  
 3592 education opportunities, the temporary cash assistance program,  
 3593 or social services programs that support families with children,  
 3594 and related child development support services ~~Provision of~~  
 3595 ~~technical assistance to existing and potential providers of~~  
 3596 ~~child care services. This assistance may include:~~

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~~1. Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.~~

~~2. Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.~~

~~3. Information and incentives that may help existing or planned child care services offered by public or private employers seeking to maximize their ability to serve the children of their working parent employees in their community, through contractual or other funding arrangements with businesses.~~

Section 58. Subsection (1) of section 1002.93, Florida Statutes, is amended to read:

1002.93 School readiness program transportation services.—

(1) The department office may authorize an early learning coalition to establish school readiness program transportation services for children at risk of abuse or neglect who are participating in the school readiness program, pursuant to chapter 427. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 59. Section 1002.94, Florida Statutes, is repealed.

Section 60. Section 1002.95, Florida Statutes, is amended to read:

1002.95 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(1) The department office may contract for the administration of the Teacher Education and Compensation Helps

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(TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes. The goal of the program is to increase the education and training for caregivers, increase the compensation for child caregivers who complete the program requirements, and reduce the rate of participant turnover in the field of early childhood education.

(2) The State Board of Education office shall adopt rules as necessary to administer this section.

Section 61. Subsections (1) and (3) of section 1002.96, Florida Statutes, are amended to read:

1002.96 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriation, the department office shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The department office may adopt rules as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 62. Subsection (1) and paragraph (g) of subsection (3) of section 1002.97, Florida Statutes, are amended to read:

1002.97 Records of children in the school readiness program.—

(1) The individual records of children enrolled in the

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school readiness program provided under this part, held by an early learning coalition or the department office, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, records include assessment data, health data, records of teacher observations, and personal identifying information.

(3) School readiness program records may be released to:

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies, providers of the school readiness program, state agencies, and the department office for the purpose of implementing the school readiness program.

Agencies, organizations, or individuals that receive school readiness program records in order to carry out their official functions must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parent by persons other than those authorized to receive the records.

Section 63. Subsections (1) and (3) of section 1002.995, Florida Statutes, are amended to read:

1002.995 Early learning professional development standards and career pathways.—

(1) The department office shall:

(a) Develop early learning professional development training and course standards to be utilized for school readiness program providers.

(b) Identify both formal and informal early learning career pathways with stackable credentials and certifications that

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allow early childhood teachers to access specialized professional development that:

1. Strengthens knowledge and teaching practices.

2. Aligns to established professional standards and core competencies.

3. Provides a progression of attainable, competency-based stackable credentials and certifications.

4. Improves outcomes for children to increase kindergarten readiness and early grade success.

(3) The State Board of Education office shall adopt rules to administer this section.

Section 64. Section 1007.01, Florida Statutes, is amended to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education and the Board of Governors; Articulation Coordinating Committee.—

(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the Early Learning-20 K-20 education system by building, sustaining, and strengthening relationships among Early Learning-20 K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building, sustaining, and strengthening these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit. The Legislature further intends that articulation policies and budget actions be implemented consistently in the practices of

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the Department of Education and postsecondary educational institutions and expressed in the collaborative policy efforts of the State Board of Education and the Board of Governors.

(2) To improve and facilitate articulation systemwide, the State Board of Education and the Board of Governors shall collaboratively establish and adopt policies with input from statewide K-20 advisory groups established by the Commissioner of Education and the Chancellor of the State University System and shall recommend the policies to the Legislature. The policies shall relate to:

(a) The alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

(3) The Commissioner of Education, in consultation with the Chancellor of the State University System, shall establish the Articulation Coordinating Committee, which shall make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the educational ~~K-20~~ data warehouse, established pursuant to ss. 1001.10 and 1008.31, to the Higher Education

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Coordination Council, the State Board of Education, and the Board of Governors. The committee shall consist of two members each representing the State University System, the Florida College System, public career and technical education, K-12 education, and nonpublic postsecondary education and one member representing students. The chair shall be elected from the membership. The Office of K-20 Articulation shall provide administrative support for the committee. The committee shall:

(a) Monitor the alignment between the exit requirements of one education system and the admissions requirements of another education system into which students typically transfer and make recommendations for improvement.

(b) Propose guidelines for interinstitutional agreements between and among public schools, career and technical education centers, Florida College System institutions, state universities, and nonpublic postsecondary institutions.

(c) Annually recommend dual enrollment course and high school subject area equivalencies for approval by the State Board of Education and the Board of Governors.

(d) Annually review the statewide articulation agreement pursuant to s. 1007.23 and make recommendations for revisions.

(e) Annually review the statewide course numbering system, the levels of courses, and the application of transfer credit requirements among public and nonpublic institutions participating in the statewide course numbering system and identify instances of student transfer and admissions difficulties.

(f) Annually publish a list of courses that meet common general education and common degree program prerequisite

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3771 requirements at public postsecondary institutions identified  
 3772 pursuant to s. 1007.25.  
 3773 (g) Foster timely collection and reporting of statewide  
 3774 education data to improve the Early Learning-20 K-20 education  
 3775 performance accountability system pursuant to ss. 1001.10 and  
 3776 1008.31, including, but not limited to, data quality,  
 3777 accessibility, and protection of student records.  
 3778 (h) Recommend roles and responsibilities of public  
 3779 education entities in interfacing with the single, statewide  
 3780 computer-assisted student advising system established pursuant  
 3781 to s. 1006.735.  
 3782 Section 65. Section 1008.2125, Florida Statutes, is created  
 3783 to read:  
 3784 1008.2125 Coordinated screening and progress monitoring  
 3785 program for students in the Voluntary Prekindergarten Education  
 3786 Program through grade 3.—  
 3787 (1) The primary purpose of the coordinated screening and  
 3788 progress monitoring program for students in the Voluntary  
 3789 Prekindergarten Education Program through grade 3 is to provide  
 3790 information on students' progress in mastering the appropriate  
 3791 grade-level standards and to provide information on their  
 3792 progress to parents, teachers, and school and program  
 3793 administrators. Data shall be used by Voluntary Prekindergarten  
 3794 Education Program providers and school districts to improve  
 3795 instruction, by parents and teachers to guide learning  
 3796 objectives and provide timely and appropriate supports and  
 3797 interventions to students not meeting grade level expectations,  
 3798 and by the public to assess the cost benefit of the expenditure  
 3799 of taxpayer dollars. The coordinated screening and progress

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3800 monitoring program must:  
 3801 (a) Assess the progress of students in the Voluntary  
 3802 Prekindergarten Education Program through grade 3 in meeting the  
 3803 appropriate expectations in emergent literacy and math skills  
 3804 and in English Language Arts and mathematics, as required by ss.  
 3805 1002.67(1)(a) and 1003.41.  
 3806 (b) Provide data for accountability of the Voluntary  
 3807 Prekindergarten Education Program, as required by s. 1002.68.  
 3808 (c) Provide baseline data to the department of each  
 3809 student's readiness for kindergarten, which must be based on  
 3810 each kindergarten student's progress monitoring results within  
 3811 the first 30 days of enrollment in accordance with paragraph  
 3812 (2)(a). The methodology for determining a student's readiness  
 3813 for kindergarten shall be developed by the same independent  
 3814 expert identified in s. 1002.68(4)(d).  
 3815 (d) Identify the educational strengths and needs of  
 3816 students in the Voluntary Prekindergarten Education Program  
 3817 through grade 3.  
 3818 (e) Provide teachers with progress monitoring data to  
 3819 provide timely interventions and supports pursuant to s.  
 3820 1008.25(4).  
 3821 (f) Assess how well educational goals and curricular  
 3822 standards are met at the provider, school, district, and state  
 3823 levels.  
 3824 (g) Provide information to aid in the evaluation and  
 3825 development of educational programs and policies.  
 3826 (2) The Commissioner of Education shall design a statewide,  
 3827 standardized coordinated screening and progress monitoring  
 3828 program to assess early literacy and mathematics skills and the

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English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, respectively. The coordinated screening and progress monitoring program must provide interval level and norm-referenced data that measures equivalent levels of growth; be a developmentally appropriate, valid, and reliable direct assessment; be able to capture data on students who may be performing below grade or developmental level and which may enable the identification of early indicators of dyslexia or other developmental delays; accurately measure the core content in the applicable grade level standards; document learning gains for the achievement of these standards; and provide teachers with progress monitoring supports and materials that enhance differentiated instruction and parent communication. Participation in the coordinated screening and progress monitoring program is mandatory for all students in the Voluntary Prekindergarten Education Program and enrolled in a public school in kindergarten through grade 3. The coordinated screening and progress monitoring program shall be implemented beginning in the 2022-2023 school year for students in the Voluntary Prekindergarten Education Program and kindergarten students, as follows:

(a) The coordinated screening and progress monitoring program shall be administered within the first 30 days after enrollment, midyear, and within the last 30 days of the program or school year, in accordance with the rules adopted by the State Board of Education. The state board may adopt alternate timeframes to address nontraditional school year calendars or summer programs to ensure that the coordinated screening and progress monitoring program is administered a minimum of 3 times

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within a year or program.

(b) The results of the coordinated screening and progress monitoring program shall be reported to the department, in accordance with the rules adopted by the state board, and maintained in the department's educational data warehouse.

(3) The Commissioner of Education shall:

(a) Develop a plan, in coordination with the Council for Early Grade Success, for implementing the coordinated screening and progress monitoring program in consideration of timelines for implementing new early literacy and mathematics skills and the English Language Arts and mathematics standards established in ss. 1002.67(1)(a) and 1003.41, as appropriate.

(b) Provide data, reports, and information as requested to the Council for Early Grade Success.

(4) The Council for Early Grade Success, a council defined in s. 20.03(7), is created within the Department of Education to oversee the coordinated screening and progress monitoring program and, except as otherwise provided in this section, shall operate consistent with s. 20.052.

(a) The council shall be responsible for reviewing the implementation of, training for, administration of, and outcomes from the coordinated screening and progress monitoring program to provide recommendations to the department that supports grade 3 students reading at or above grade level. The council, at a minimum, shall:

1. Provide recommendations on the implementation of the coordinated screening and progress monitoring program, including reviewing any procurement solicitation documents and criteria before being published.

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- 3887 2. Develop training plans and timelines for such training.
- 3888 3. Identify appropriate personnel, processes, and
- 3889 procedures required for the administration of the coordinated
- 3890 screening and progress monitoring program.
- 3891 4. Provide input on the methodology for calculating a
- 3892 provider's or school's performance metric and designations under
- 3893 s. 1002.68.
- 3894 5. Work with the department's independent expert under s.
- 3895 1002.68(4)(d) to review the methodology for determining a
- 3896 child's kindergarten readiness.
- 3897 6. Review data on age-appropriate learning gains by grade
- 3898 level that a student would need to attain in order to
- 3899 demonstrate proficiency in reading by grade 3.
- 3900 7. Continually review anonymized data from the results of
- 3901 the coordinated screening and progress monitoring program for
- 3902 students in the Voluntary Prekindergarten Education Program
- 3903 through grade 3 to help inform recommendations to the department
- 3904 that support practices that will enable grade 3 students to read
- 3905 at or above grade level.
- 3906 (b) The council shall be composed of 15 members who are
- 3907 residents of this state and appointed, notwithstanding any other
- 3908 provision of law, as follows:
- 3909 1. Two members appointed by the Governor, as follows:
- 3910 a. One representative from the Department of Education.
- 3911 b. One parent of a child who is 4 to 9 years of age.
- 3912 2. Thirteen members appointed jointly by the President of
- 3913 the Senate and Speaker of the House of Representatives, as
- 3914 follows:
- 3915 a. One representative of an urban school district.

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- 3916 b. One representative of a rural school district.
- 3917 c. One representative of an urban early learning coalition.
- 3918 d. One representative of a rural early learning coalition.
- 3919 e. One representative of an early learning provider.
- 3920 f. One representative of a faith-based early learning
- 3921 provider.
- 3922 g. One representative who is a kindergarten teacher who has
- 3923 at least 5 years of teaching experience.
- 3924 h. One representative who is a second grade teacher who has
- 3925 at least 5 years of teaching experience.
- 3926 i. One representative who is a school principal.
- 3927 j. Four representatives with subject matter expertise in
- 3928 early learning, early grade success, or child assessments. The
- 3929 four representatives with subject matter expertise may not be
- 3930 direct stakeholders within the early learning or public school
- 3931 systems or potential recipients of a contract resulting from the
- 3932 committee's recommendations.
- 3933 (5) The council shall elect a chair and a vice chair, one
- 3934 of whom must be a member who has subject matter expertise in
- 3935 early learning, early grade success, or child assessments. The
- 3936 vice chair must be a member appointed by the President of the
- 3937 Senate and the Speaker of the House of Representatives who is
- 3938 not one of the four members with subject matter expertise in
- 3939 early learning, early grade success, or child assessments
- 3940 appointed pursuant to sub-subparagraph (b)2.j. Members of the
- 3941 council shall serve without compensation but are entitled to
- 3942 reimbursement for per diem and travel expenses pursuant to s.
- 3943 112.061.
- 3944 (6) The council must meet at least biannually and may meet

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3945 by teleconference or other electronic means, if possible, to  
 3946 reduce costs.

3947 (7) A majority of the members constitutes a quorum.

3948 Section 66. Present paragraphs (b) and (c) of subsection  
 3949 (5) of section 1008.25, Florida Statutes, are redesignated as  
 3950 paragraphs (c) and (d), respectively, a new paragraph (b) is  
 3951 added to that subsection, and paragraph (b) of subsection (6),  
 3952 subsection (7), and paragraph (a) of subsection (8) are amended,  
 3953 to read:

3954 1008.25 Public school student progression; student support;  
 3955 reporting requirements.—

3956 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

3957 (b) A Voluntary Prekindergarten Education Program student  
 3958 who exhibits a substantial deficiency in early literacy skills  
 3959 in accordance with the standards under s. 1002.67(1)(a) and  
 3960 based upon the results of the administration of the final  
 3961 coordinated screening and progress monitoring under s. 1008.2125  
 3962 shall be referred to the local school district and may be  
 3963 eligible to receive intensive reading interventions before  
 3964 participating in kindergarten. Such intensive reading  
 3965 interventions shall be paid for using funds from the district's  
 3966 research-based reading instruction allocation in accordance with  
 3967 s. 1011.62(9).

3968 (6) ELIMINATION OF SOCIAL PROMOTION.—

3969 (b) The district school board may only exempt students from  
 3970 mandatory retention, as provided in paragraph (5)(c) ~~(5)(b)~~, for  
 3971 good cause. A student who is promoted to grade 4 with a good  
 3972 cause exemption shall be provided intensive reading instruction  
 3973 and intervention that include specialized diagnostic information

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3974 and specific reading strategies to meet the needs of each  
 3975 student so promoted. The school district shall assist schools  
 3976 and teachers with the implementation of explicit, systematic,  
 3977 and multisensory reading instruction and intervention strategies  
 3978 for students promoted with a good cause exemption which research  
 3979 has shown to be successful in improving reading among students  
 3980 who have reading difficulties. Good cause exemptions are limited  
 3981 to the following:

3982 1. Limited English proficient students who have had less  
 3983 than 2 years of instruction in an English for Speakers of Other  
 3984 Languages program based on the initial date of entry into a  
 3985 school in the United States.

3986 2. Students with disabilities whose individual education  
 3987 plan indicates that participation in the statewide assessment  
 3988 program is not appropriate, consistent with the requirements of  
 3989 s. 1008.212.

3990 3. Students who demonstrate an acceptable level of  
 3991 performance on an alternative standardized reading or English  
 3992 Language Arts assessment approved by the State Board of  
 3993 Education.

3994 4. A student who demonstrates through a student portfolio  
 3995 that he or she is performing at least at Level 2 on the  
 3996 statewide, standardized English Language Arts assessment.

3997 5. Students with disabilities who take the statewide,  
 3998 standardized English Language Arts assessment and who have an  
 3999 individual education plan or a Section 504 plan that reflects  
 4000 that the student has received intensive instruction in reading  
 4001 or English Language Arts for more than 2 years but still  
 4002 demonstrates a deficiency and was previously retained in

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kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE STUDENTS.—

(a) Students retained under paragraph (5) (c) ~~(5) (b)~~ must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency and prepare the student for promotion to the next grade. These interventions must include:

1. Evidence-based, explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.

2. Participation in the school district's summer reading camp, which must incorporate the instructional and intervention strategies under subparagraph 1.

3. A minimum of 90 minutes of daily, uninterrupted reading instruction incorporating the instructional and intervention strategies under subparagraph 1. This instruction may include:

- a. Integration of content-rich texts in science and social studies within the 90-minute block.
- b. Small group instruction.
- c. Reduced teacher-student ratios.
- d. More frequent progress monitoring.
- e. Tutoring or mentoring.

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f. Transition classes containing 3rd and 4th grade students.

g. Extended school day, week, or year.

(b) Each school district shall:

1. Provide written notification to the parent of a student who is retained under paragraph (5) (c) ~~(5) (b)~~ that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6) (b). The notification must comply with paragraph (5) (d) ~~(5) (e)~~ and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

2. Implement a policy for the midyear promotion of a student retained under paragraph (5) (c) ~~(5) (b)~~ who can demonstrate that he or she is a successful and independent reader and performing at or above grade level in reading or, upon implementation of English Language Arts assessments, performing at or above grade level in English Language Arts. Tools that school districts may use in reevaluating a student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency levels in reading equivalent to the level necessary for the beginning of grade 4. The rules adopted by the State Board of Education must include standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate grade 4 level reading skills.

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4061 3. Provide students who are retained under paragraph (5) (c)  
 4062 ~~(5) (b)~~, including students participating in the school  
 4063 district's summer reading camp under subparagraph (a)2., with a  
 4064 highly effective teacher as determined by the teacher's  
 4065 performance evaluation under s. 1012.34, and, beginning July 1,  
 4066 2020, the teacher must also be certified or endorsed in reading.  
 4067 4. Establish at each school, when applicable, an intensive  
 4068 reading acceleration course for any student retained in grade 3  
 4069 who was previously retained in kindergarten, grade 1, or grade  
 4070 2. The intensive reading acceleration course must provide the  
 4071 following:  
 4072 a. Uninterrupted reading instruction for the majority of  
 4073 student contact time each day and opportunities to master the  
 4074 grade 4 Next Generation Sunshine State Standards in other core  
 4075 subject areas through content-rich texts.  
 4076 b. Small group instruction.  
 4077 c. Reduced teacher-student ratios.  
 4078 d. The use of explicit, systematic, and multisensory  
 4079 reading interventions, including intensive language, phonics,  
 4080 and vocabulary instruction, and use of a speech-language  
 4081 therapist if necessary, that have proven results in accelerating  
 4082 student reading achievement within the same school year.  
 4083 e. A read-at-home plan.  
 4084 (8) ANNUAL REPORT.—  
 4085 (a) In addition to the requirements in paragraph (5) (c)  
 4086 ~~(5) (b)~~, each district school board must annually report to the  
 4087 parent of each student the progress of the student toward  
 4088 achieving state and district expectations for proficiency in  
 4089 English Language Arts, science, social studies, and mathematics.

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4090 The district school board must report to the parent the  
 4091 student's results on each statewide, standardized assessment.  
 4092 The evaluation of each student's progress must be based upon the  
 4093 student's classroom work, observations, tests, district and  
 4094 state assessments, response to intensive interventions provided  
 4095 under paragraph (5) (a), and other relevant information. Progress  
 4096 reporting must be provided to the parent in writing in a format  
 4097 adopted by the district school board.  
 4098 Section 67. Section 1008.31, Florida Statutes, is amended  
 4099 to read:  
 4100 1008.31 Florida's Early Learning-20 ~~K-20~~ education  
 4101 performance accountability system; legislative intent; mission,  
 4102 goals, and systemwide measures; data quality improvements.—  
 4103 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
 4104 that:  
 4105 (a) The performance accountability system implemented to  
 4106 assess the effectiveness of Florida's seamless Early Learning-20  
 4107 ~~K-20~~ education delivery system provide answers to the following  
 4108 questions in relation to its mission and goals:  
 4109 1. What is the public receiving in return for funds it  
 4110 invests in education?  
 4111 2. How effectively is Florida's Early Learning-20 ~~K-20~~  
 4112 education system educating its students?  
 4113 3. How effectively are the major delivery sectors promoting  
 4114 student achievement?  
 4115 4. How are individual schools and postsecondary education  
 4116 institutions performing their responsibility to educate their  
 4117 students as measured by how students are performing and how much  
 4118 they are learning?

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4119 (b) The Early Learning-20 ~~K-20~~ education performance  
 4120 accountability system be established as a single, unified  
 4121 accountability system with multiple components, including, but  
 4122 not limited to, student performance in public schools and school  
 4123 and district grades.

4124 (c) The K-20 education performance accountability system  
 4125 comply with the requirements of the "No Child Left Behind Act of  
 4126 2001," Pub. L. No. 107-110, and the Individuals with  
 4127 Disabilities Education Act (IDEA).

4128 (d) The early learning accountability system comply with  
 4129 the requirements of part V and part VI of chapter 1002 and the  
 4130 requirements of the Child Care and Development Block Grant Trust  
 4131 Fund, pursuant to 45 C.F.R. parts 98 and 99.

4132 (e) ~~(d)~~ The State Board of Education and the Board of  
 4133 Governors of the State University System recommend to the  
 4134 Legislature systemwide performance standards; the Legislature  
 4135 establish systemwide performance measures and standards; and the  
 4136 systemwide measures and standards provide Floridians with  
 4137 information on what the public is receiving in return for the  
 4138 funds it invests in education and how well the Early Learning-20  
 4139 ~~K-20~~ system educates its students.

4140 (f) 1. (e) 1. The State Board of Education establish  
 4141 performance measures and set performance standards for  
 4142 individual public schools and Florida College System  
 4143 institutions, with measures and standards based primarily on  
 4144 student achievement.

4145 2. The Board of Governors of the State University System  
 4146 establish performance measures and set performance standards for  
 4147 individual state universities, including actual completion

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4148 rates.

4149 (2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.—

4150 (a) The mission of Florida's Early Learning-20 ~~K-20~~  
 4151 education system shall be to increase the proficiency of all  
 4152 students within one seamless, efficient system, by allowing them  
 4153 the opportunity to expand their knowledge and skills through  
 4154 learning opportunities and research valued by students, parents,  
 4155 and communities.

4156 (b) The process for establishing state and sector-specific  
 4157 standards and measures must be:

- 4158 1. Focused on student success.
- 4159 2. Addressable through policy and program changes.
- 4160 3. Efficient and of high quality.
- 4161 4. Measurable over time.
- 4162 5. Simple to explain and display to the public.
- 4163 6. Aligned with other measures and other sectors to support  
 4164 a coordinated Early Learning-20 ~~K-20~~ education system.

4165 (c) The Department of Education shall maintain an  
 4166 accountability system that measures student progress toward the  
 4167 following goals:

- 4168 1. Highest student achievement, as indicated by evidence of  
 4169 student learning gains at all levels.
- 4170 2. Seamless articulation and maximum access, as measured by  
 4171 evidence of progression, readiness, and access by targeted  
 4172 groups of students identified by the Commissioner of Education.
- 4173 3. Skilled workforce and economic development, as measured  
 4174 by evidence of employment and earnings.
- 4175 4. Quality efficient services, as measured by evidence of  
 4176 return on investment.

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4177 5. Other goals as identified by law or rule.

4178 (3) ~~K-20~~ EDUCATION DATA QUALITY IMPROVEMENTS.—To provide

4179 data required to implement education performance accountability

4180 measures in state and federal law, the Commissioner of Education

4181 shall initiate and maintain strategies to improve data quality

4182 and timeliness. The Board of Governors shall make available to

4183 the department all data within the State University Database

4184 System to be integrated into the educational ~~K-20~~ data

4185 warehouse. The commissioner shall have unlimited access to such

4186 data for the purposes of conducting studies, reporting annual

4187 and longitudinal student outcomes, and improving college

4188 readiness and articulation. All public educational institutions

4189 shall annually provide data from the prior year to the

4190 educational ~~K-20~~ data warehouse in a format based on data

4191 elements identified by the commissioner.

4192 (a) School districts and public postsecondary educational

4193 institutions shall maintain information systems that will

4194 provide the State Board of Education, the Board of Governors of

4195 the State University System, and the Legislature with

4196 information and reports necessary to address the specifications

4197 of the accountability system. The level of comprehensiveness and

4198 quality must be no less than that which was available as of June

4199 30, 2001.

4200 (b) Colleges and universities eligible to participate in

4201 the William L. Boyd, IV, Effective Access to Student Education

4202 Grant Program shall annually report student-level data from the

4203 prior year for each student who receives state funds in a format

4204 prescribed by the Department of Education. At a minimum, data

4205 from the prior year must include retention rates, transfer

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4206 rates, completion rates, graduation rates, employment and

4207 placement rates, and earnings of graduates. By October 1 of each

4208 year, the colleges and universities described in this paragraph

4209 shall report the data to the department.

4210 (c) The Commissioner of Education shall determine the

4211 standards for the required data, monitor data quality, and

4212 measure improvements. The commissioner shall report annually to

4213 the State Board of Education, the Board of Governors of the

4214 State University System, the President of the Senate, and the

4215 Speaker of the House of Representatives data quality indicators

4216 and ratings for all school districts and public postsecondary

4217 educational institutions.

4218 (d) Before establishing any new reporting or data

4219 collection requirements, the commissioner shall use existing

4220 data being collected to reduce duplication and minimize

4221 paperwork.

4222 (4) RULES.—The State Board of Education shall adopt rules

4223 pursuant to ss. 120.536(1) and 120.54 to implement the

4224 provisions of this section relating to the educational ~~K-20~~ data

4225 warehouse.

4226 Section 68. Section 1008.32, Florida Statutes, is amended

4227 to read:

4228 1008.32 State Board of Education oversight enforcement

4229 authority.—The State Board of Education shall oversee the

4230 performance of early learning coalitions, district school

4231 boards, and Florida College System institution boards of

4232 trustees in enforcement of all laws and rules. District school

4233 boards and Florida College System institution boards of trustees

4234 shall be primarily responsible for compliance with law and state

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board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from early learning coalitions, school districts, and Florida College System institutions. Early learning coalition chief executive officers or executive directors, district school superintendents, and Florida College System institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) (a) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the early learning coalition, district school board, or Florida College System institution board of trustees to document compliance with law or state board rule.

(b) The Commissioner of Education shall report to the State Board of Education any findings by the Auditor General that an early learning coalition, a district school board, or Florida College System institution is acting without statutory authority or contrary to general law. The State Board of Education shall require the early learning coalition, district school board, or Florida College System institution board of trustees to document compliance with such law.

(3) If the early learning coalition, district school board, or Florida College System institution board of trustees cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

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(4) If the State Board of Education determines that an early learning coalition, a district school board, or Florida College System institution board of trustees is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the early learning coalition, school district, or Florida College System institution is unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified as eligible for this purpose by the Legislature until the early learning coalition, school district, or Florida College System institution complies with the law or state board rule.

(c) Declare the early learning coalition, school district, or Florida College System institution ineligible for competitive grants.

(d) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 69. Paragraph (a) of subsection (3) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(3) (a) The academic performance of all students has a significant effect on the state school system. Pursuant to Art.

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4293 IX of the State Constitution, which prescribes the duty of the  
 4294 State Board of Education to supervise Florida's public school  
 4295 system, the state board shall equitably enforce the  
 4296 accountability requirements of the state school system and may  
 4297 impose state requirements on school districts in order to  
 4298 improve the academic performance of all districts, schools, and  
 4299 students based upon the provisions of the Florida Early  
 4300 Learning-20 K-20 Education Code, chapters 1000-1013; the federal  
 4301 ESEA and its implementing regulations; and the ESEA flexibility  
 4302 waiver approved for Florida by the United States Secretary of  
 4303 Education.

4304 Section 70. Subsection (9) of section 1011.62, Florida  
 4305 Statutes, is amended to read:

4306 1011.62 Funds for operation of schools.—If the annual  
 4307 allocation from the Florida Education Finance Program to each  
 4308 district for operation of schools is not determined in the  
 4309 annual appropriations act or the substantive bill implementing  
 4310 the annual appropriations act, it shall be determined as  
 4311 follows:

4312 (9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

4313 (a) The research-based reading instruction allocation is  
 4314 created to provide comprehensive reading instruction to students  
 4315 in kindergarten through grade 12, including certain students who  
 4316 exhibit a substantial deficiency in early literacy and completed  
 4317 the Voluntary Prekindergarten Education Program under s.  
 4318 1008.25(5)(b). Each school district that has one or more of the  
 4319 300 lowest-performing elementary schools based on a 3-year  
 4320 average of the state reading assessment data must use the  
 4321 school's portion of the allocation to provide an additional hour

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4322 per day of intensive reading instruction for the students in  
 4323 each school. The additional hour may be provided within the  
 4324 school day. Students enrolled in these schools who earned a  
 4325 level 4 or level 5 score on the statewide, standardized English  
 4326 Language Arts assessment for the previous school year may  
 4327 participate in the additional hour of instruction. Exceptional  
 4328 student education centers may not be included in the 300  
 4329 schools. The intensive reading instruction delivered in this  
 4330 additional hour shall include: research-based reading  
 4331 instruction that has been proven to accelerate progress of  
 4332 students exhibiting a reading deficiency; differentiated  
 4333 instruction based on screening, diagnostic, progress monitoring,  
 4334 or student assessment data to meet students' specific reading  
 4335 needs; explicit and systematic reading strategies to develop  
 4336 phonemic awareness, phonics, fluency, vocabulary, and  
 4337 comprehension, with more extensive opportunities for guided  
 4338 practice, error correction, and feedback; and the integration of  
 4339 social studies, science, and mathematics-text reading, text  
 4340 discussion, and writing in response to reading.

4341 (b) Funds for comprehensive, research-based reading  
 4342 instruction shall be allocated annually to each school district  
 4343 in the amount provided in the General Appropriations Act. Each  
 4344 eligible school district shall receive the same minimum amount  
 4345 as specified in the General Appropriations Act, and any  
 4346 remaining funds shall be distributed to eligible school  
 4347 districts based on each school district's proportionate share of  
 4348 K-12 base funding.

4349 (c) Funds allocated under this subsection must be used to  
 4350 provide a system of comprehensive reading instruction to

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students enrolled in the K-12 programs and certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program pursuant to s. 1008.25(5)(b), which may include the following:

1. An additional hour per day of evidence-based intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading as required in paragraph (a).

2. Kindergarten through grade 5 evidence-based reading intervention teachers to provide intensive reading interventions provided by reading intervention teachers intervention during the school day and in the required extra hour for students identified as having a reading deficiency.

3. Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help school district teachers earn a certification or an endorsement in reading.

5. Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and

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students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment, and certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b).

6. Scientifically researched and evidence-based supplemental instructional materials ~~that are grounded in scientifically based reading research~~ as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

7. Evidence-based intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized English Language Arts assessment or for certain students who exhibit a substantial deficiency in early literacy and completed the Voluntary Prekindergarten Education Program under s. 1008.25(5)(b).

(d)1. Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a ~~K-12~~ comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading

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intervention through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall provide for intensive reading interventions through integrated curricula, provided that, beginning with the 2020-2021 school year, the interventions are delivered by a teacher who is certified or endorsed in reading. Such interventions must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8). No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.

2. Each school district that has a school designated as one of the 300 lowest-performing elementary schools as specified in paragraph (a) shall specifically delineate in the comprehensive reading plan, or in an addendum to the comprehensive reading plan, the implementation design and reading intervention strategies that will be used for the required additional hour of reading instruction. The term "reading intervention" includes evidence-based strategies frequently used to remediate reading

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deficiencies and also includes individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.

For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes.

Section 71. For the 2022-2023 fiscal year, the sum of \$3,088,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to implement the coordinated screening and progress monitoring program required by s. 1008.2125, Florida Statutes. Of these funds, \$3 million shall be placed in reserve. The department is authorized to submit budget amendments requesting the release of funds pursuant to chapter 216, Florida Statutes. The budget amendment shall include a detailed operational work plan and spending plan. The department shall submit quarterly updates to the plans and quarterly project status reports to the Office of Policy and Budget in the Executive Office of the Governor and the chairs of the Senate Committee on Appropriations and the House of Representatives Appropriations Committee. Each status report must include progress made to date for each project activity, planned and actual tasks and deliverable completion dates, planned and actual costs incurred, and any current issues and risks.

Section 72. For the 2021-2022 fiscal year, the sum of \$100,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to issue a competitive solicitation to contract with an independent third

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4467 party consulting firm to conduct a review of the school  
4468 readiness payment rates by county, provider type, and care  
4469 level. The review shall include an evaluation of the current  
4470 methodology for establishing the market rate schedule pursuant  
4471 to s. 1002.895, Florida Statutes, the current school readiness  
4472 payment rates, and the impact of the approved pay differentials  
4473 authorized under part VI of chapter 1002, Florida Statutes, on  
4474 the payment rates. The review shall include recommendations on a  
4475 methodology for setting the payment rates by county, by provider  
4476 type, and by care level that takes into consideration the impact  
4477 that local ordinances may have on the market rate if such  
4478 ordinances require more stringent staff-to-child ratios than  
4479 required in s. 402.305(4), Florida Statutes, but may not  
4480 consider school readiness wait lists as a factor. The department  
4481 shall submit the results of the review and the recommendations  
4482 to the Governor's Office of Policy and Budget and the chairs of  
4483 the Senate Committee on Appropriations and the House of  
4484 Representatives Appropriations Committee by January 1, 2022.

4485 Section 73. For the 2021-2022 fiscal year, the sum of  
4486 \$677,759 in recurring funds is appropriated from the General  
4487 Revenue Fund to the Department of Education to assist in the  
4488 implementation of s. 1002.68(2), Florida Statutes.

4489 Section 74. This act shall take effect upon becoming a law.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Transportation, *Chair*  
Military and Veterans Affairs, Space,  
and Domestic Security, *Vice Chair*  
Appropriations Subcommittee on Health and  
Human Services  
Children, Families, and Elder Affairs  
Finance and Tax

## SELECT COMMITTEE:

Select Committee on Pandemic  
Preparedness and Response

## SENATOR GAYLE HARRELL

25th District

March 24, 2021

Senator Broxson  
201 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399

Chair Broxson,

I respectfully request that **SB 1282 – Early Learning and Early Grade Success** be placed on the next available agenda for the Appropriations Sub-Committee on Education Meeting. SB 1282 has passed unanimously its previous Committee reference.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink that reads "Gayle".

Senator Gayle Harrell  
Senate District 25

Cc: Tim Elwell, Staff Director  
JoAnne Bennett, Committee Administrative Assistant

## REPLY TO:

- 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
- 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

WILTON SIMPSON  
President of the Senate

AARON BEAN  
President Pro Tempore

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1

THE FLORIDA SENATE

APPEARANCE RECORD

4-8-21

Meeting Date

SB 1282

Bill Number (if applicable)

240086

Amendment Barcode (if applicable)

Topic Early Learning and Early Grade Success

Name Brenda Dickinson

Job Title Lobbyist

Address PO Box 12563 Phone 850-264-2184

Street

Tallahassee

FL

32317

Email consultingbrenda@gmail.com

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Council of Independent Schools

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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2

THE FLORIDA SENATE  
**APPEARANCE RECORD**

4-8-2021

Meeting Date

1282

Bill Number (if applicable)

240086

Amendment Barcode (if applicable)

Topic Early Learning

Name Chris Duggan

Job Title Executive Director

Address 2045 Wakahala Nene  
Street

Phone 850 264 9211

32301  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Association for the Education of Young Children (FLAEYC)

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

3

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-21

Meeting Date

SB 1282

Bill Number (if applicable)

240086

Amendment Barcode (if applicable)

Topic EARLY LEARNING

Name DAVID DANIEL

Job Title \_\_\_\_\_

Address 311 EAST PARK AVE Phone 224-5080

Street

TLH

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION FOR CHILD CARE MANAGEMENT

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic EARLY LEARNING + EARLY GRADE SUCCESS Amendment Barcode (if applicable)

Name TONY LOUPE

Job Title CHAIR

Address 5000 NW DOWN RD

Phone 772-595-6424

Street

City

FORT PIERCE

State

FL

Zip

34981

Email tloupe01@elcslc.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing ASSOC. OF EARLY LEARNING COALITIONS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

# APPEARANCE RECORD

5

4/8/21

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1282

Bill Number (if applicable)

Topic EARLY LEARNING + EARLY GRADE SUCCESS Amendment Barcode (if applicable)

Name TONY LOUPE

Job Title CHAIR

Address 5000 NW DUNN RD

Street

Phone 972-595-6424

FORT PIERCE

City

FL

State

34981

Zip

Email tloupe01@elcslc.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing ASSOCIATION OF EARLY LEARNING COALITIONS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)



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6

04/08/2021

Meeting Date

THE FLORIDA SENATE

## APPEARANCE RECORD

SB1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success

Amendment Barcode (if applicable)

Name Adam Gaffey

Job Title Head of School, Robert F. Munroe Day School

Address 91 Old Mt. Pleasant Road.

Phone 850-856-5500

Street

Quincy

City

FL

State

32352

Zip

Email adam.gaffey@rfmunroe.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Robert F. Munroe Day School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

4-8-2021

Meeting Date

1282

Bill Number (if applicable)

Topic Early Learning & Early Grades Success

Amendment Barcode (if applicable)

Name Chris Duggan

Job Title Executive Director

Address 2045 Wakalah Nease

Street

Phone 850 264 9211

City

State

32301  
Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLAEYC  Florida Association for the Education of Young Children

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21

Meeting Date

SB 1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success Amendment Barcode (if applicable)

Name Brita "Breeta" Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy

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32809

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State

Zip

Email bwilkinslincoln@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
 (The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

4/8/2021

Meeting Date

1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success

Amendment Barcode (if applicable)

Name Matthew Choy

Job Title Director

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32301

Email mchoy@flchamber.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing The Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

4/8/2021

Meeting Date

SB 1282

Bill Number (if applicable)

Topic Early Learning and Early Grade Success

Amendment Barcode (if applicable)

Name Michael Barrett

Job Title Associate for Education

Address 201 W. Park Ave

Phone (850) 205-6823

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Tallahassee

FL

32308

Email mbarrett@flaccb.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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***This form is part of the public record for this meeting.***

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 1336

INTRODUCER: Senator Gibson

SUBJECT: Gold Seal Quality Care Program

DATE: April 7, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Favorable</b>
2.	Underhill	Elwell	AED	<b>Recommend: Favorable</b>
3.			AP	

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**I. Summary:**

SB 1336 transfers the Gold Seal Quality Care (GSQC) program from the Department of Children and Families to the Department of Education (DOE) and modifies requirements for GSQC accreditation. The bill provides flexibility by allowing a qualified entity to become an accreditor, regardless of whether the entity is part of an association.

The bill requires the DOE to establish a process, including an auditing program, for verifying compliance with the revised requirements for accrediting entities and requires the DOE to recommend to the State Board of Education (SBE) termination of the accreditor's eligibility for two to five years if it is unable to correct deficiencies within 30 days. If an accreditor loses its approved status, the bill allows the providers it accredited one year to obtain accreditation from another approved accreditor. An accreditor is liable for repayment of provider payment differentials if it fraudulently grants accreditation or fails to conduct on-site verification.

The bill authorizes the DOE to revoke an accrediting entity's approval if the entity has accredited 10 or fewer child care providers in the previous five years. The bill also authorizes the DOE to recommend to the SBE that a GSQC provider maintain its status after it is cited for certain violations in specified circumstances.

The bill does not require a state appropriation. The bill requires a Type 2 transfer of functions from the DCF to the DOE and increases the differential payment that school readiness providers with the GSQC designation receive from a maximum of 20 percent to a minimum of 20 percent. See Section V.

The bill takes effect upon becoming a law.

## II. Present Situation:

### The Department of Children and Families

The Department of Children and Families (DCF) administers the state's child care provider licensing program<sup>1</sup> and is responsible for enforcing compliance with licensing standards by child care facilities, including large family child care homes and family day care homes.<sup>2</sup>

### *The GSQC Quality Care Program*

The DCF also adopts rules to administer the Gold Seal Quality Care (GSQC) program.<sup>3</sup> A GSQC designation entitles child care providers to a rate differential of up to 20 percent above the Early Learning Coalition's (ELC's) approved reimbursement rate<sup>4</sup> and other benefits, including certain property tax and sales tax exemptions.<sup>5</sup> The law disqualifies child care facilities from accreditation if they receive a specified maximum number of Class I, II, or III violations within the two-year period preceding the application for accreditation.<sup>6</sup>

To achieve GSQC status, a licensed child care provider must be accredited by an approved accrediting association. Accrediting standards must be based on applicable accrediting standards of the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care (NAFCC), and the National Early Childhood Program Accreditation Commission (NECPAC).<sup>7</sup>

To be approved as an accrediting association, the association must be recognized as an accrediting association and have accrediting standards that meet or exceed the GSQC accrediting standards adopted by the DCF.<sup>8</sup> Specifically, the accrediting association must:<sup>9</sup>

- Have been active and accrediting child care facilities for at least five years before submitting an application to the DCF;
- Be currently incorporated and registered to conduct business in Florida;
- Submit and meet the requirements of the accrediting association application form;<sup>10</sup> and
- Submit a cross walk of its accrediting standards with the DCF's GSQC accrediting standards.

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<sup>1</sup> See ss. 402.301-402.319, F.S., and s. 1002.88, F.S.

<sup>2</sup> Section 402.305, F.S. Certain child care facilities which are an integral part of a church or specified parochial school are exempt from licensing standards. Section 402.316, F.S.

<sup>3</sup> Section 402.281, F.S.

<sup>4</sup> Rule 6M-4.500(9), F.A.C.

<sup>5</sup> Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys purchased by a licensed child care facility that meets minimum statutory standards, holds a current GSQC designation, and provides basic health insurance to all employees are exempt from sales, rental, use, consumption, distribution, and storage tax. Section 212.08(5), F.S. A licensed or legally exempt child care facility that achieves GSQC status is an educational institution exempt from ad valorem tax. Section 402.26(6), F.S.

<sup>6</sup> Section 402.281, F.S. DCF rules governing child care facilities define Class I, II, and III violations, which are designated in ascending order of severity, for noncompliance with minimum licensing standards of child care facilities. Rule 65C-20.012, F.A.C.

<sup>7</sup> Section 402.281(2), F.S.

<sup>8</sup> Section 402.281(3)(a), F.S.

<sup>9</sup> See s. 402.281(3), F.S.; rule 65C-22.009(4)(a), F.A.C.

<sup>10</sup> See Form CF-FSP 5315, *incorporated by reference in rule 65C-22.009(4)(a)3.*, F.A.C. (2019), available at <https://www.flrules.org/gateway/reference.asp?No=Ref-10508>.

In approving accrediting associations, the DCF must consult with:<sup>11</sup>

- The Florida Department of Education (DOE);
- The Florida Head Start Director's Association;
- The Florida Association of Child Care Management;
- The Florida Family Child Care Home Association;
- The Florida Children's Forum;
- The Florida Association for the Education of the Young;
- The Child Development Education Alliance;
- The Florida Association of Academic Nonpublic Schools;
- The Association of Early Learning Coalitions;
- Exempt child care providers;<sup>12</sup> and
- Parents.

The DCF establishes review teams composed of at least five members from the above stakeholder groups to evaluate an accrediting association's application for approval.<sup>13</sup> To receive approval, the association must obtain an overall compliance score of 85 percent or higher based on the accrediting association criteria contained in the GSQC Accrediting Association Evaluation Manual for Child Care Facilities.<sup>14</sup> The approval period lasts for up to five years, unless the DCF terminates approval or the association voluntarily surrenders approval.<sup>15</sup> Applications may be submitted only in January or July.<sup>16</sup>

The DCF has adopted fourteen accreditor standards with respect to child care facilities, including Staff Training and Professional Development, Teacher-Child Interactions, Literacy Support, and Health and Safety. There are seven such standards for home-based providers.<sup>17</sup> Each standard includes detailed indicators of provider expectations. For example, within the Curriculum/Teacher standard, one indicator is whether the program has rich and varied materials to sustain curriculum plans and occupy children in activities that meet their interests.<sup>18</sup> As part of the process for approving accrediting associations, the team of reviewers must evaluate whether the association's standards substantially meet or exceed all indicators.<sup>19</sup>

If the accrediting association receives a compliance score between 70 and 85 percent, it may resubmit its application with revisions and work to reach compliance by the next application

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<sup>11</sup> Section 402.281(3)(b), F.S.

<sup>12</sup> Certain child care providers are exempt from child care licensing standards, except for background screening and local health and safety standards, if they submit documentation to the DCF showing they are an integral part of a church or parochial school conducting regularly scheduled classes, courses of study, or educational programs and are accredited by an organization based on health, safety, and sanitation standards. See s. 402.316, F.S.

<sup>13</sup> Florida Department of Children and Families, *GSQC Quality Care Program Review Process and Procedures* (2015), incorporated by reference in rule 65C-22.009(4)(c), F.A.C., available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05545> (download pdf file).

<sup>14</sup> See Form CF-FSP 5389, incorporated by reference in rule 65C-22.009(4)(c), F.A.C. (2015), available at <https://www.flrules.org/gateway/reference.asp?No=Ref-05514>.

<sup>15</sup> Rules 65C-22.009(4)(e), F.A.C.

<sup>16</sup> Rule 65C-22.009(4)(b), F.A.C.

<sup>17</sup> *GSQC Program Review Process and Procedures*, note 13, *supra*, at 6.

<sup>18</sup> See Form CF-FSP 5389, incorporated by reference in rule 65C-22.009(4)(c), F.A.C. (2015) at 10, available at <https://www.flrules.org/gateway/reference.asp?No=Ref-05514>.

<sup>19</sup> See *id.* See also *GSQC Program Review Process and Procedures*, note 13, *supra*.



submission period, which is a span of six months.<sup>20</sup> If the application is below 70 percent compliance, it must be denied, and the association must wait at least six months until the next submission period to reapply.<sup>21</sup>

As of December 2020, there were 18 approved accrediting associations, including the NAEYC, the NAFCC, and the NECPAC,<sup>22</sup> and 1,883 child care facilities, large family child care homes, and family day care homes possess a GSQC designation.<sup>23</sup>

## **The Department of Education**

### ***State Board of Education***

The State Board of Education (SBE)<sup>24</sup> is the chief implementing and coordinating body of public education in Florida and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system. The SBE has authority over the DOE and is authorized to delegate the SBE's general powers to the commissioner or the directors of the divisions of the DOE.<sup>25</sup>

### ***Department of Education***

The DOE is the administrative and supervisory agency under the implementation direction of the SBE.<sup>26</sup> The commissioner is appointed by the SBE and serves as the executive director of the DOE.<sup>27</sup> The DOE includes the Office of Early Learning (OEL), which is administered by an executive director who is fully accountable to the commissioner.<sup>28</sup>

### ***Office of Early Learning***

The OEL oversees three programs—the school readiness program, the Voluntary Prekindergarten Education (VPK) program, and child care resource and referral services<sup>29</sup>—and an annual budget of \$1.37 billion.<sup>30</sup> The OEL is the lead agency in Florida for administering the federal Child Care and Development Block Grant Trust Fund (CCDF).<sup>31</sup> The OEL adopts rules as required for the establishment and operation of the school readiness program and the VPK

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<sup>20</sup> See *GSQC Program Review Process and Procedures*, note 13, *supra*, at 8-9.

<sup>21</sup> Rule 65C-22.009(4)(b), F.A.C.

<sup>22</sup> Florida Department of Children and Families, *GSQC Quality Care Accrediting Associations* (Dec. 2020), available at <https://www.myflfamilies.com/service-programs/child-care/docs/Approved%20Gold%20Seal%20Quality%20Care%20Program%20Accrediting%20Associations.pdf?d=2021-3-10>.

<sup>23</sup> Florida Department of Children and Families, *GSQC Quality Care Summary and Detail Data* (Dec. 2020), available at <https://www.myflfamilies.com/service-programs/child-care/docs/gold-seal/Summary%20Dec%202020.pdf>.

<sup>24</sup> The State Board of Education is established as “a body corporate and [shall] have such supervision of the system of free public education as is provided by law.” Art. IX, s. 2, Fla. Const.

<sup>25</sup> Section 1001.02, F.S.

<sup>26</sup> Section 1001.20(1), F.S.

<sup>27</sup> Section 20.15(2), F.S.

<sup>28</sup> Section 20.15(3)(i), F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Early Learning Services Program Total, s. 2, ch. 2020-111, L.O.F.

<sup>31</sup> Section 1002.82(1), F.S.

program.<sup>32</sup> The executive director of the OEL is responsible for administering early learning programs at the state level. The OEL governs the day-to-day operations of statewide early learning programs and administers federal and state child care funds.

### ***Early Learning Coalitions***

Across the state, 30 regional ELCs and the Redlands Christian Migrant Association are responsible for delivering local services, including the VPK program and the school readiness program.<sup>33</sup> Each ELC is governed by a board of directors comprised of various stakeholders and community representatives.<sup>34</sup>

### ***The School Readiness Program***

The school readiness program provides subsidies for child care services and early childhood education for children of low-income families, children in protective services who are at risk of abuse, neglect, or abandonment, and children with disabilities.<sup>35</sup> The school readiness program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed.<sup>36</sup> To participate in the school readiness program, a provider must execute a school readiness contract.<sup>37</sup> During the 2019-2020 academic year, 6,932 school readiness providers served 211,711 children enrolled in a school readiness program.<sup>38</sup>

### ***Market Rate***

The OEL is required to establish procedures for the adoption of a market rate schedule for the school readiness program. The schedule must include, at a minimum, county-by-county rates, differentiated by type of child care provider and the type of child care services provided. Rates must be differentiated for the types of providers by:<sup>39</sup>

- The minimum and the maximum rates for child care providers that hold a GSQC designation.
- Child care providers that do not hold a GSQC designation.
- Licensed child care facilities.
- Public or nonpublic schools exempt from licensure.
- Faith-based child care facilities exempt from licensure.
- Licensed large family child care homes.
- Licensed or registered family day care homes.

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<sup>32</sup> The OEL is required to submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receipt, the rule shall be immediately filed with the Department of State. Section 1001.213, F.S.

<sup>33</sup> The Office of Early Learning, *Coalitions*, <http://www.floridaearlylearning.com/coalitions.aspx> (last visited Mar. 19, 2021). See also 1002.83(1), F.S.

<sup>34</sup> Section 1002.83(3), F.S.

<sup>35</sup> Section 1002.87, F.S.

<sup>36</sup> Section 1002.86, F.S.

<sup>37</sup> Rule 6M-4.610, F.A.C. Form OEL-SR 20, *Statewide School Readiness Provider Contract*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/FormOEL-SR20StatewideSRProviderContract\\_7-8-20\\_ADA\\_final.pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/images/FormOEL-SR20StatewideSRProviderContract_7-8-20_ADA_final.pdf).

<sup>38</sup> Florida Office of Early Learning, *2019-20 Annual Report*, available at [http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA\(1\).pdf](http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/2019-20%20OEL%20Annual%20Report%20FINAL%2012-29-30-GA(1).pdf), at 20 (last visited Mar. 19, 2021).

<sup>39</sup> Section 1002.895, F.S.

The market rate schedule must also differentiate rate by the type of child care services provided, including services provided for:<sup>40</sup>

- Children with special needs or risk categories.
- Infants, toddlers, preschool-age children, and school-age children.
- Full-time and part-time child care.

Reimbursement rates for school readiness providers are paid based on a child's care level and unit of care as defined by the ELC's approved provider rate schedule for the county in which the provider's facility is located.<sup>41</sup> ELCs are required to consider the market rate schedule in the adoption of a payment schedule.

The payment schedule must consider the average market rate, include the projected number of children to be served, and be submitted for approval by the OEL. Informal child care arrangements may be reimbursed at no more than 50 percent of the rate adopted for a family day care home.<sup>42</sup>

To calculate market rates, the OEL sorts provider private pay rates for a given level of care within the county from highest to lowest, calculates the average market rate, and identifies the 75<sup>th</sup> percentile pay rate. Each ELC must consider the market rate schedule in determining its own minimum reimbursement rates, which must be approved by the OEL.<sup>43</sup> In addition, a provider may receive differential payments above the minimum reimbursement rate of:<sup>44</sup>

- Twenty percent for GSQC status.
- Ten percent for a quality performance incentive.
- Five percent for participating in an OEL-approved child assessment tool.

The 2019 market rate report includes a state summary that reflects market rates by provider type and service type. For example, the average market rate in the state for GSQC designated private child care centers was \$42.01 for services provided to infants.<sup>45</sup> The 75<sup>th</sup> percentile rate for the same services was \$48.26.<sup>46</sup> The reimbursement rate for GSQC designated private centers was \$36.00. For private centers without a GSQC designation, the average market rate was \$36.71 for services provided to infants, the 75<sup>th</sup> percentile rate was \$40.00, and the reimbursement rate was \$30.00.<sup>47</sup>

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<sup>40</sup> Section 1002.895, F.S.

<sup>41</sup> Rule 6M-4.500, F.A.C.

<sup>42</sup> Section 1002.895, F.S.

<sup>43</sup> See s. 1002.895(4), F.S.

<sup>44</sup> See s. 1002.82(2)(o), F.S.; rule 6M-4.500(9), (10), and (11), F.A.C.

<sup>45</sup> Office of Early Learning, *2019 Market Rate Report: State Summary*, available at <http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/Market%20Rate%20FY1920%20Report%20Full%20Time%20Statewide%20Summary-ADA-Final.pdf>.

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

<sup>47</sup> *Id.*

### III. Effect of Proposed Changes:

#### GSQC Quality Care Program Accreditation

The bill provides a type two transfer<sup>48</sup> of administrative responsibility for the Gold Seal Quality Care (GSQC) program from the Department of Children and Families (DCF) to the Department of Education (DOE), including rulemaking authority to the SBE.

For purposes of accreditation under the GSQC program, the bill requires that accreditation standards be based on nationally recognized standards and not limited to those established by the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care (NAFCC), and the National Early Childhood Program Accreditation Commission (NECPAC).

The bill changes the term “accrediting association” to “accrediting entity” and modifies the requirements to be an approved accreditor by:

- Removing the requirement that the accreditor be a “recognized accrediting association” and instead specifying that it must have qualified personnel experienced in the accreditation of child care facilities, large family child care homes, or family day care homes;
- Requiring that it has proven expertise with accrediting standards that are substantially similar to the standards adopted by the DCF;
- Codifying the requirement that it be incorporated in Florida;
- Requiring that it provide evidence that its accreditation process includes:
  - Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process;
  - Procedures for completion of a self-study and comprehensive onsite verification process for each classroom;
  - A training process for accreditation verifiers to ensure inter-rater reliability;
  - Ongoing compliance procedures that include completion of an audit and filing of an annual report;
  - Procedures for renewal every five years, including onsite verification;
  - A process for verifying continued compliance if ownership changes;
  - Procedures for revocation for failure to meet accreditation standards; and
  - A process to communicate accreditation issues with governmental stakeholders.

The DOE must establish a process for verifying GSQC accreditor compliance with these requirements, including an auditing program, and requires the DOE to recommend to the SBE termination of the accreditor’s eligibility for two to five years if it is unable to correct deficiencies within 30 days. If an accreditor loses its approved status, the providers it accredited have one year to obtain accreditation from another approved accreditor. An accreditor is liable for repayment of provider payment differentials if it fraudulently grants accreditation or fails to conduct on-site verification.

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<sup>48</sup> A program transferred by a type two transfer has all its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred. Section 20.06, F.S.

The bill authorizes the DOE to revoke an accrediting entity's approval if the entity has accredited 10 or fewer child care providers in the previous five years. The bill also authorizes the DOE to recommend to the SBE that a GSQC provider maintain its status after it is cited for a Class I or Class II violation if it has been in business for five or more years and has no other Class I violations.

The bill increases the differential payment that school readiness providers with the GSQC designation receive from a maximum of 20 percent to a minimum of 20 percent.

The bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not require a state appropriation. However, there may be indeterminate costs associated with the transfer of administrative responsibilities for the GSQC program from the Department of Children and Families (DCF) to the Department of Education (DOE). DCF currently has a contract with a third-party vendor for the administration of

the Gold Seal Quality Care program. The type-two transfer will move that contract from DCF to DOE. DCF does not have any personnel or associated administrative support positions that are tasked with working exclusively on the Gold Seal Quality Care program, outside of the third-party contracted vendor. The DCF contract with a third-party vendor is approximately \$195,395.<sup>49</sup>

The bill increases the differential payment that school readiness providers with the Gold Seal Quality Care (GSQC) designation receive from a maximum of 20 percent to a minimum of 20 percent. This may cause an indeterminate impact to available funding for school readiness provider reimbursements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 39.604, 212.08, 402.26, 402.315, 1002.55, 1002.69, 1002.895.

The bill transfers, renumbers, and amends section 402.281 of the Florida Statutes as section 1002.945.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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<sup>49</sup> Department of Children and Families, *2021 Agency Legislative Bill Analysis of SB 1336* (Feb. 18, 2021).

By Senator Gibson

6-01509-21

20211336\_\_

1 A bill to be entitled  
 2 An act relating to the Gold Seal Quality Care program;  
 3 amending ss. 39.604, 212.08, and 402.26, F.S.;  
 4 conforming provisions and cross-references to changes  
 5 made by the act; transferring, renumbering, and  
 6 amending s. 402.281, F.S.; revising the requirements  
 7 of the Gold Seal Quality Care program; requiring the  
 8 State Board of Education to adopt specified rules;  
 9 specifying requirements for an accrediting entity,  
 10 rather than an accrediting association, to be approved  
 11 for participation in such program; requiring the  
 12 Department of Education to establish a verification  
 13 process for accrediting entities and providing  
 14 requirements therefor; requiring the department to  
 15 recommend to the state board termination of an  
 16 accrediting entity's participation under certain  
 17 circumstances; providing that each child care provider  
 18 accredited by a terminated accrediting entity has up  
 19 to 1 year to obtain new accreditation; deleting a  
 20 provision requiring the department to consult with  
 21 certain entities for specified purposes; providing  
 22 that an accrediting entity is liable for repayment of  
 23 certain rate differentials if the accrediting entity  
 24 granted accreditation to specified entities under  
 25 fraudulent terms or failed to conduct onsite  
 26 verifications; authorizing the department to remove an  
 27 accrediting entity from being an approved accrediting  
 28 entity if the accrediting entity has accredited 10 or  
 29 fewer child care providers in the previous 5 years;

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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30 authorizing the department to recommend the  
 31 maintenance of Gold Seal Quality Care designation for  
 32 certain child care facilities; providing an exemption  
 33 from ad valorem taxation and rate differentials for  
 34 certain child care facilities; providing for a type  
 35 two transfer of the Gold Seal Quality Care program  
 36 within the Department of Children and Families to the  
 37 Department of Education within a specified timeframe;  
 38 providing for the continuation of certain contracts  
 39 and agreements; amending ss. 402.315, 1002.55,  
 40 1002.69, and 1002.895, F.S.; conforming cross-  
 41 references; providing an effective date.  
 42  
 43 Be It Enacted by the Legislature of the State of Florida:  
 44  
 45 Section 1. Paragraph (b) of subsection (5) of section  
 46 39.604, Florida Statutes, is amended to read:  
 47 39.604 Rilya Wilson Act; short title; legislative intent;  
 48 child care; early education; preschool.—  
 49 (5) EDUCATIONAL STABILITY.—Just as educational stability is  
 50 important for school-age children, it is also important to  
 51 minimize disruptions to secure attachments and stable  
 52 relationships with supportive caregivers of children from birth  
 53 to school age and to ensure that these attachments are not  
 54 disrupted due to placement in out-of-home care or subsequent  
 55 changes in out-of-home placement.  
 56 (b) If it is not in the best interest of the child for him  
 57 or her to remain in his or her child care or early education  
 58 setting upon entry into out-of-home care, the caregiver must

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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work with the case manager, guardian ad litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, a provider participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and nonpublic schools.

Section 2. Paragraph (m) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(m) *Educational materials purchased by certain child care facilities.*—Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys, purchased by a child care facility that meets the standards delineated in s. 402.305, is licensed under s. 402.308, holds a current Gold Seal Quality Care designation pursuant to s. 1002.945 ~~s. 402.281~~, and provides basic health insurance to all employees are exempt from the taxes imposed by this chapter. For purposes of this paragraph, the term "basic health insurance" shall be defined and promulgated in rules developed jointly by the Department of Children and Families,

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the Agency for Health Care Administration, and the Financial Services Commission.

Section 3. Subsection (6) of section 402.26, Florida Statutes, is amended to read:

402.26 Child care; legislative intent.—

~~(6) It is the intent of the Legislature that a child care facility licensed pursuant to s. 402.305 or a child care facility exempt from licensing pursuant to s. 402.316, that achieves Gold Seal Quality status pursuant to s. 402.281, be considered an educational institution for the purpose of qualifying for exemption from ad valorem tax pursuant to s. 196.198.~~

Section 4. Section 402.281, Florida Statutes, is transferred, renumbered as section 1002.945, Florida Statutes, and amended to read:

1002.945 ~~402.281~~ Gold Seal Quality Care program.—

(1) (a) There is established within the Department of Education the Gold Seal Quality Care program.

(b) A child care facility, large family child care home, or family day care home that is accredited by an accrediting entity ~~association~~ approved by the department under subsection (3) and meets all other requirements shall, upon application to the department, receive a separate "Gold Seal Quality Care" designation.

(2) The State Board of Education ~~department~~ shall adopt rules establishing Gold Seal Quality Care accreditation standards using nationally recognized accrediting standards and input from accrediting entities based on the applicable ~~accrediting standards of the National Association for the~~



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~~Education of Young Children (NAEYC), the National Association of Family Child Care, and the National Early Childhood Program Accreditation Commission.~~

(3) (a) In order to be approved by the department for participation in the Gold Seal Quality Care program, an accrediting entity association must apply to the department and demonstrate that it:

1. Has qualified personnel experienced in the accreditation of child care facilities, large family child care homes, or family day care homes ~~is a recognized accrediting association.~~

2. Has accrediting standards that substantially meet, or exceed, the Gold Seal Quality Care standards adopted by the state board ~~department~~ under subsection (2).

3. Has proven expertise with accrediting standards that are substantially similar to the Gold Seal Quality Care standards adopted by the state board under subsection (2).

4. Is a registered corporation with the Department of State.

5. Can provide evidence that the accreditation process has, at a minimum, all of the following components:

a. Clearly defined prerequisites that a child care provider must meet before beginning the accreditation process. However, accreditation may not be granted to a child care facility, large family child care home, or family day care home before the site is operational and is attended by children.

b. Procedures for completion of a self-study and comprehensive onsite verification process for each classroom which documents compliance with accrediting standards.

c. A training process for accreditation verifiers to ensure

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inter-rater reliability.

d. Ongoing compliance procedures that include requiring each accredited child care facility, large family child care home, and family day care home to file an annual report with the accrediting entity and risk-based onsite auditing protocols for accredited child care facilities, large family child care homes, and family day care homes.

e. Procedures for the revocation of accreditation due to failure to maintain accrediting standards as evidenced by subparagraph d. or any other relevant information received by the accrediting entity.

f. Accreditation renewal procedures that include an onsite verification occurring at least every 5 years.

g. A process for verifying continued accreditation compliance in the event of a transfer of ownership of facilities.

h. A process to communicate issues that arise during the accreditation period with governmental entities that have a vested interest in the Gold Seal Quality Care program, including the department, the Department of Children and Families, the Department of Health, local licensing entities if applicable, and the early learning coalition.

(b) The department shall establish a process that verifies that the accrediting entity meets the provisions of paragraph (a), which must include an auditing program and any other procedures that may reasonably determine an accrediting entity's compliance with this section. If an accrediting entity is not in compliance and fails to cure its deficiencies within 30 days, the department shall recommend to the state board termination of

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the accrediting entity's participation in the program for a period of at least 2 years but not more than 5 years. If an accrediting entity's participation in the program is terminated, each child care provider accredited by that entity shall have up to 1 year to obtain a new accreditation from a department-approved accrediting entity. ~~In approving accrediting associations, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Child Care Home Association, the Florida Children's Forum, the Florida Association for the Education of the Young, the Child Development Education Alliance, the Florida Association of Academic Nonpublic Schools, the Association of Early Learning Coalitions, providers receiving exemptions under s. 402.316, and parents.~~

(c) If an accrediting entity has granted accreditation to a child care facility, large family child care home, or family day care under fraudulent terms or failed to conduct onsite verifications, the accrediting entity shall be liable for the repayment of any rate differentials paid under subsection (6).

(d) The department may remove an accrediting entity from being an approved accrediting entity if the accrediting entity has accredited 10 or fewer child care providers in the previous 5 years.

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I

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violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

(b) The child care provider must not have had three or more class II violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of three or more class II violations within a 2-year period shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class II violations for a period of 1 year.

(c) The child care provider must not have been cited for the same class III violation, as defined by rule of the Department of Children and Families, three or more times and failed to correct the violation within 1 year after the date of each citation, within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of the same class III violation three or more times and failure to correct within the required time during a 2-year period may be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class III violations for a period of 1 year.

(d) Notwithstanding paragraph (a), if the department determines through a formal process that a child care provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state

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233 board that the provider maintain its Gold Seal Quality Care  
234 designation. The state board's determination regarding such  
235 provider's designation is final.

236 (5) A child care facility licensed pursuant to s. 402.305  
237 or a child care facility exempt from licensing pursuant to s.  
238 402.316 which achieves Gold Seal Quality Care designation under  
239 this section shall be considered an educational institution for  
240 the purpose of qualifying for an exemption from ad valorem  
241 taxation under s. 196.198.

242 (6) A child care facility licensed pursuant to s. 402.305  
243 or a child care facility exempt from licensing pursuant to s.  
244 402.316 which achieves Gold Seal Quality Care status under this  
245 section and which participates in the school readiness program  
246 shall receive a minimum of a 20 percent rate differential for  
247 each enrolled school readiness child by care level and unit of  
248 child care.

249 (7)(5) The state board Department of Children and Families  
250 shall adopt rules under ss. 120.536(1) and 120.54 which provide  
251 criteria and procedures for reviewing and approving accrediting  
252 entities associations for participation in the Gold Seal Quality  
253 Care program and, conferring and revoking designations of Gold  
254 Seal Quality Care providers, and classifying violations.

255 Section 5. (1) Before July 1, 2026, all powers, duties,  
256 functions, records, offices, personnel, associated  
257 administrative support positions, property, pending issues,  
258 existing contracts, administrative authority, administrative  
259 rules, and unexpended balances of appropriations, allocations,  
260 and other funds relating to the Gold Seal Quality Care program  
261 within the Department of Children and Families are transferred

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262 by a type two transfer, as defined in s. 20.06(2), Florida  
263 Statutes, to the Department of Education.

264 (2) Any binding contract or interagency agreement existing  
265 before July 1, 2021, between the Department of Children and  
266 Families, or an entity or agent of the department, and any other  
267 agency, entity, or person relating to the Gold Seal Quality Care  
268 program shall continue as a binding contract or interagency  
269 agreement for the remainder of the term of the contract or  
270 agreement on the successor entity responsible for the program,  
271 activity, or function relative to the contract or agreement.

272 Section 6. Subsection (5) of section 402.315, Florida  
273 Statutes, is amended to read:

274 402.315 Funding; license fees.—

275 (5) All moneys collected by the department for child care  
276 licensing shall be held in a trust fund of the department to be  
277 reallocated to the department during the following fiscal year  
278 to fund child care licensing activities, including the Gold Seal  
279 Quality Care program created pursuant to s. 1002.945 ~~s. 402.281~~.

280 Section 7. Paragraph (b) of subsection (3) of section  
281 1002.55, Florida Statutes, is amended to read:

282 1002.55 School-year prekindergarten program delivered by  
283 private prekindergarten providers.—

284 (3) To be eligible to deliver the prekindergarten program,  
285 a private prekindergarten provider must meet each of the  
286 following requirements:

287 (b) The private prekindergarten provider must:

288 1. Be accredited by an accrediting association that is a  
289 member of the National Council for Private School Accreditation,  
290 or the Florida Association of Academic Nonpublic Schools, or be

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 291 accredited by the Southern Association of Colleges and Schools,  
 292 or Western Association of Colleges and Schools, or North Central  
 293 Association of Colleges and Schools, or Middle States  
 294 Association of Colleges and Schools, or New England Association  
 295 of Colleges and Schools; and have written accreditation  
 296 standards that meet or exceed the state's licensing requirements  
 297 under s. 402.305, s. 402.313, or s. 402.3131 and require at  
 298 least one onsite visit to the provider or school before  
 299 accreditation is granted;

300 2. Hold a current Gold Seal Quality Care designation under  
 301 s. 1002.945 ~~s. 402.281~~; or

302 3. Be licensed under s. 402.305, s. 402.313, or s. 402.3131  
 303 and demonstrate, before delivering the Voluntary Prekindergarten  
 304 Education Program, as verified by the early learning coalition,  
 305 that the provider meets each of the requirements of the program  
 306 under this part, including, but not limited to, the requirements  
 307 for credentials and background screenings of prekindergarten  
 308 instructors under paragraphs (c) and (d), minimum and maximum  
 309 class sizes under paragraph (f), prekindergarten director  
 310 credentials under paragraph (g), and a developmentally  
 311 appropriate curriculum under s. 1002.67(2)(b).

312 Section 8. Paragraph (d) of subsection (7) of section  
 313 1002.69, Florida Statutes, is amended to read:

314 1002.69 Statewide kindergarten screening; kindergarten  
 315 readiness rates; state-approved prekindergarten enrollment  
 316 screening; good cause exemption.—

317 (7)

318 (d) A good cause exemption may not be granted to any  
 319 private prekindergarten provider that has any class I violations

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 320 or two or more class II violations within the 2 years preceding  
 321 the provider's or school's request for the exemption. For  
 322 purposes of this paragraph, class I and class II violations have  
 323 the same meaning as provided in s. 1002.945(4) ~~s. 402.281(4)~~.

324 Section 9. Paragraph (a) of subsection (1) and paragraph  
 325 (a) of subsection (2) of section 1002.895, Florida Statutes, are  
 326 amended to read:

327 1002.895 Market rate schedule.—The school readiness program  
 328 market rate schedule shall be implemented as follows:

329 (1) The office shall establish procedures for the adoption  
 330 of a market rate schedule. The schedule must include, at a  
 331 minimum, county-by-county rates:

332 (a) The market rate, including the minimum and the maximum  
 333 rates for child care providers that hold a Gold Seal Quality  
 334 Care designation under s. 1002.945 ~~s. 402.281~~.

335 (2) The market rate schedule, at a minimum, must:

336 (a) Differentiate rates by type, including, but not limited  
 337 to, a child care provider that holds a Gold Seal Quality Care  
 338 designation under s. 1002.945 ~~s. 402.281~~, a child care facility  
 339 licensed under s. 402.305, a public or nonpublic school exempt  
 340 from licensure under s. 402.3025, a faith-based child care  
 341 facility exempt from licensure under s. 402.316 that does not  
 342 hold a Gold Seal Quality Care designation, a large family child  
 343 care home licensed under s. 402.3131, or a family day care home  
 344 licensed or registered under s. 402.313.

345 Section 10. This act shall take effect upon becoming a law.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Judiciary, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on  
Transportation, Tourism, and Economic  
Development  
Military and Veterans Affairs, Space,  
and Domestic Security  
Rules

### JOINT COMMITTEE:

Joint Legislative Budget Commission

**SENATOR AUDREY GIBSON**

6th District

March 30, 2021

Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Broxson:

I respectfully request that SB 1336, be placed on the next committee agenda.

SB 1336, moves the oversight of the Gold Seal Quality Care Program from Department of Children and Families (DCF) to the Office of Early Learning (OEL). Currently, DCF approves and authorizes Gold Seal Accrediting Agencies to accredit pre-schools in Florida. However, there is no auditing process the accrediting agencies perform that ensure standards and procedures of the providers are maintained. The bill will develop the auditing process to ensure an entity claiming to be a continuing Gold Seal Quality Care Program is, such.

The state of Florida invests significant dollars in Gold Seal Accredited Child Care Centers and this legislation will ensure it provides the best opportunity for improved childcare outcomes. This bill passed unanimously in the first committee.

Thank you for your kind and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey Gibson".

Audrey Gibson  
State Senator  
District 6

101 East Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553  
410 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-21

Meeting Date

1336

Bill Number (if applicable)

Topic Gold Seal

Amendment Barcode (if applicable)

Name DAVID DANIEL

Job Title \_\_\_\_\_

Address 311 EAST PARK AVENUE Phone 214-5091

Street

TLH

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FIONNA ASSOCIATION FOR CHILD CARE MANAGEMENT

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: CS/SB 1672

INTRODUCER: Education Committee and Senator Diaz

SUBJECT: State University Free Seat Program

DATE: April 7, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Westmark</u>	<u>Bouck</u>	<u>ED</u>	<b>Fav/CS</b>
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Pre-meeting</b>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1672 creates the State University Free Seat Program to require each state university to waive the tuition and fees for one online course for a Florida resident who is either a veteran, an active duty member of the United States Armed Forces, an active drilling members of the Florida National Guard, or who has not been enrolled in a postsecondary institution for more than five years, and is enrolled in an online baccalaureate degree program. The bill specifies that:

- A state university may not charge a student who meets such criteria more than 75 percent of the tuition rate or tuition differential for all other courses.
- A student who qualifies for the tuition discount is eligible to receive the discount for up to 110 percent of the number of required credit hours of the enrolled degree program.

The bill does not require a state appropriation. However, state universities will have reduced revenues from tuition and fees for each eligible student who enrolls in their online degree programs. See Section V.

The bill takes effect July 1, 2021.

## **II. Present Situation:**

### **Tuition and Fees**

Tuition is the basic fee a student is charged for instruction provided by a public postsecondary educational institution in Florida.<sup>1</sup> All students are charged fees except students who are exempt or whose fees are waived. State university boards of trustees are authorized to establish fees, which include activity and service, health, and athletic fees; a technology fee; a financial aid fee; and a tuition differential fee. State universities may also charge a per-credit hour distance learning course fee.<sup>2</sup>

### ***Tuition and Fee Rate***

The resident undergraduate tuition is set by law at \$105.07 per credit hour.<sup>3</sup> The 2020-2021 State University System (SUS) resident undergraduate tuition and fees average is \$199.72 per credit hour. The tuition and fees at Florida International University is \$218.71 per credit hour, whereas the tuition and fees at Florida Polytechnic University is \$164.65 per credit hour.<sup>4</sup>

### ***Tuition Differential***

Each university board of trustees may establish, upon approval by the Board of Governors, a tuition differential to promote improvements in the quality of undergraduate education and is required to provide financial aid to undergraduate students who exhibit financial need for undergraduate courses.<sup>5</sup>

Seventy percent of the revenues from the tuition differential must be expended for purposes of undergraduate education, such as increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students who are taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. Except as otherwise provided, the remaining 30 percent of the revenues from the tuition differential, or the equivalent amount of revenue from private sources, must be expended to provide financial aid to undergraduate students who exhibit financial need, to meet the cost of university attendance.<sup>6</sup>

The aggregate sum of undergraduate tuition and fees per credit hour, including the tuition differential, may not exceed the national average of undergraduate tuition and fees at four-year degree-granting public postsecondary educational institutions. Each tuition differential may be assessed on one or more undergraduate courses or on all undergraduate courses at a state university, may vary by course or courses, by campus or center location, and by institution.<sup>7</sup>

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<sup>1</sup> Section 1009.01(1), F.S.

<sup>2</sup> Sections 1009.24(2), (4), (5), (7) through (13), (16), and (17), F.S.

<sup>3</sup> Section 1009.24(4)(a), F.S.

<sup>4</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 1.

<sup>5</sup> Section 1009.24(16), F.S.

<sup>6</sup> Section 1009.24(16)(a), F.S.

<sup>7</sup> Section 1009.24(16)(b), F.S.



In 2020-2021, the SUS average resident undergraduate student tuition differential fee is \$42.88 per credit hour. Polytechnic University is the only state university that does not charge a tuition differential fee.<sup>8</sup>

### ***Residency for Tuition Purposes***

A legal resident of Florida for tuition purposes means one who has maintained his or her residence in this state for the preceding year, has purchased and occupies a home as primary residence, or has established a domicile in this state.<sup>9</sup> Unless costs are exempted or waived, all students are charged fees.<sup>10</sup> An out-of-state fee is charged as an additional fee for a student who does not qualify for the in-state tuition rate.<sup>11</sup>

### **Benefits for Military**

#### ***Veterans of the United States Armed Forces***

The term “veteran” is defined in law to mean a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or during a period of wartime service as specified in law.<sup>12</sup>

Veterans currently receive priority course registration<sup>13</sup> and may be eligible to receive credit for relevant military training and education.<sup>14</sup>

#### ***Florida National Guard***

The Florida National Guard consists of enlisted personnel, commissioned officers, and warrant officers who are citizens of the United States, or who have declared their intention to become citizens of the United States, organized, armed, equipped, and federally recognized, in accordance with the laws of the state and the laws and regulations of the Department of the Army and the Department of the Air Force.<sup>15</sup>

Active duty members of the Army, Navy, Air Force, Navy, Marines, Coast Guard, any current reservists, and active Florida National Guard are afforded some residency protections under Florida law. The following military personnel are classified as residents for tuition purposes:

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<sup>8</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

<sup>9</sup> Section 1009.21(1)(d), F.S. A person or, if that person is a dependent child, his or her parent or parents, must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education. Section 1009.21(2)(a)1., F.S.

<sup>10</sup> Section 1009.24(2), F.S.

<sup>11</sup> Section 1009.01(2), F.S. The in-state tuition rate is described in s. 1009.21(1)(g), F.S.

<sup>12</sup> Section 1.01(14), F.S.

<sup>13</sup> Sections 1004.075 and 1005.09, F.S.

<sup>14</sup> Sections 489.1131, 489.5161, and 493.61035, F.S.

<sup>15</sup> Section 250.07(1), F.S.

- Active duty members of the Armed Services of the United States residing or stationed in Florida and active drilling members of the Florida National Guard.
- Military personnel not stationed in Florida whose home of record or state of legal residence certificate is Florida.<sup>16</sup>

### ***Congressman C.W. Bill Young Tuition Waiver Program***

The Congressman C.W. Bill Young Veteran Tuition Waiver Program requires a state university, Florida College System institution, or career center to waive out-of-state fees for an honorably discharged veteran of the U.S. Armed Forces, the U.S. Reserve Forces or the National Guard who physically resides in Florida while enrolled at the institution. The waiver covers the applicable portion of the fees up to 110 percent of the required credit hours for the degree or certificate program of enrollment.<sup>17</sup>

### **Online Courses at State University System Institutions**

Nationally, Florida ranks second in the number and percentage of students enrolled in distance learning courses. In the 2018-2019 academic year, 75 percent of undergraduate students at Florida's state universities took at least one distance learning course. At four institutions, the University of Central Florida, University of Florida, University of South Florida, and University of West Florida, at least 80 percent of undergraduate students took one or more distance learning courses. Across the SUS, 11 percent (36,648) of undergraduate students took distance learning courses exclusively, and a majority (63 percent) of undergraduate students (202,895) in the SUS took a combination of distance learning, classroom, or hybrid courses. Systemwide, 30 percent of total undergraduate credit hours were taken in distance learning courses. During the Fall 2019 term, SUS institutions offered 164 online bachelor's degree programs.<sup>18</sup>

### ***University of Florida Online***

University of Florida Online (UF Online) was created by the 2013 Legislature as an institute for online learning at a preeminent state research university to provide for high quality, fully online baccalaureate degree programs at an affordable cost.<sup>19</sup> By 2018-2019, strategic development and expansion efforts allowed the program to offer 21 fully online majors and seven minors. More than 2,000 students have graduated from UF Online.<sup>20</sup> For the UF Online program, both the tuition rate (\$78.80) and tuition differential fee (\$33.12) are set at 75 percent of the per credit hour rates for traditional undergraduate programs at the University of Florida.<sup>21</sup>

<sup>16</sup> Florida Department of Education, *Military Service & Residence in the Florida College System*, <http://www.fldoe.org/core/fileparse.php/7480/urlt/0082723-faqsresidencymilitary.pdf> (last visited March 22, 2021), at 1.

<sup>17</sup> Florida Department of Education, *Veterans*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/veterans.stml> (last visited March 22, 2021). See s. 1009.26 (12)(a), F.S.

<sup>18</sup> State University System of Florida, *2019 Annual Report for Online Education* (July 21, 2020), available at [https://www.flbog.edu/wp-content/uploads/2019-Annual-Report\\_FINAL.pdf](https://www.flbog.edu/wp-content/uploads/2019-Annual-Report_FINAL.pdf), at 4, 9, 10, 13 and 24.

<sup>19</sup> Section 1001.7065(4), F.S., permits the university to establish a tuition structure for its online institute, not to exceed 75 percent of the tuition rate established by the Legislature.

<sup>20</sup> State University System of Florida, *2019 Annual Report for Online Education* (July 21, 2020), available at [https://www.flbog.edu/wp-content/uploads/2019-Annual-Report\\_FINAL.pdf](https://www.flbog.edu/wp-content/uploads/2019-Annual-Report_FINAL.pdf), at 24.

<sup>21</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 1 and 4.

### ***National Recognition***

In 2020, *U.S. News & World Report* ranked UF Online as one of the top five best online bachelor's degree programs in the nation. The University of Central Florida ranked in the top 15, while Florida Atlantic University, Florida International University, and University of West Florida all ranked in the top 100.<sup>22</sup>

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

The bill creates s. 1009.266, F.S., to establish the State University Free Seat Program to encourage veterans, active duty members of the United States Armed Forces, active drilling members of the Florida National Guard, and nontraditional students to enroll in an online baccalaureate degree program at a state university.

The bill specifies that a state university:

- Shall waive the tuition and fees, including lab fees, for one online course during each academic year, provided the student is a resident, enrolled in an online baccalaureate degree program and meets one of the following eligibility requirements:
  - Is a veteran defined by law;
  - Is an active duty member of the United States Armed Forces;
  - Is an active drilling member of the Florida National Guard; or
  - Has not been enrolled in a postsecondary institution for more than five years.
- May not charge an eligible student more than 75 percent of the tuition rate and 75 percent of the tuition differential for all other courses in the program if the student remains enrolled in at least one online course during each academic year.

The bill also specifies that a student is eligible to receive the discount for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled. Most SUS baccalaureate degree programs are set at 120 credit hours, which would authorize the tuition discount for up to 132 credit hours.

The bill requires each state university to report to the Board of Governors (BOG) the number and value of all such fee waivers granted annually, and requires the BOG to adopt regulations to administer the program.

The bill takes effect July 1, 2021.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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

None.

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<sup>22</sup> *Id.* (showing UF Online ranked at number 4 in 2020 and number 5 in 2019). See also U.S. News and World Report, *Best Online Bachelor's Programs*, accessible at <https://www.usnews.com/education/online-education/bachelors/rankings>.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Providing one free online course to students enrolled in an online baccalaureate degree program at a state university and a 25 percent discount on tuition for all other courses in the program may increase access to online classes and enrollment at state universities.

C. Government Sector Impact:

The bill does not require a state appropriation. However, state universities will have reduced revenues from tuition and fees for each eligible student who enrolls in their online degree programs. The number of eligible students who will participate in the State University Free Seat Program is unknown. For each eligible student, a state university will not receive tuition and fees for one online course in an academic year. For example, for each course waived, for UF Online this represents a loss of \$129.18<sup>23</sup> per credit hour, and at Florida State University, a loss of 180.49<sup>24</sup> per credit hour.

In addition, for all other courses in the online degree program, each state university will not collect 25 percent of the resident undergraduate tuition rate of \$105.07 and 25 percent of the resident undergraduate tuition differential, which averages \$42.88, for a total loss of approximately \$36.99 per credit hour.

**VI. Technical Deficiencies:**

None.

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<sup>23</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 4.

<sup>24</sup> Florida State University, *2020-2021 Tuition, Distance Learning*, available at [https://studentbusiness.fsu.edu/sites/g/files/upcbnu1241/files/2020-2021%20Tuition\\_DistanceLearning.pdf](https://studentbusiness.fsu.edu/sites/g/files/upcbnu1241/files/2020-2021%20Tuition_DistanceLearning.pdf).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 1009.266 of 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 Education on March 23, 2021:**

The committee substitute adds, beyond a student who has not been enrolled in a postsecondary institution for more than five years, criteria for a student who is a resident for tuition purposes and enrolled in an online baccalaureate degree program at a state university to have tuition and fees, including lab fees, waived for one online course. The following may also qualify for the waiver:

- A veteran defined in law;
- An active duty member of the United States Armed Forces;
- An active drilling member of the Florida National Guard; or

In addition, the bill requires each state university to report to the Board of Governors (BOG) the number and value of all such fee waivers granted annually, and requires the BOG to adopt regulations to administer the program.

- B. **Amendments:**

None.

By the Committee on Education; and Senator Diaz

581-03261-21

20211672c1

A bill to be entitled

An act relating to the State University Free Seat Program; amending s. 1009.26, F.S.; creating the State University Free Seat Program; providing a purpose; providing an exemption from tuition and fees, including lab fees, for one online course at a state university for certain resident students; prohibiting a state university from charging such students more than a specified percentage of the tuition rate and the tuition differential under certain circumstances; providing a limitation on the application of such tuition discount; requiring each state university to report certain information regarding waivers under the program to the Board of Governors annually; requiring the board to adopt regulations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (18) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(18) The State University Free Seat Program is created to encourage veterans, active duty members of the United States Armed Forces, active drilling members of the Florida National Guard, and nontraditional students to enroll in an online baccalaureate degree program at a state university.

(a) A state university shall waive the tuition and fees, including lab fees, for one online course for a student who is a

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

581-03261-21

20211672c1

resident for tuition purposes under s. 1009.21 and enrolled in an online baccalaureate degree program, provided the student meets one of the following eligibility requirements:

1. Is a veteran as defined in s. 1.01(14);

2. Is an active duty member of the United States Armed Forces;

3. Is an active drilling member of the Florida National Guard; or

4. Has not been enrolled in a postsecondary institution for more than five years.

(b) For all other courses in the program, a state university may not charge a student specified in paragraph (a) more than 75 percent of the tuition rate as specified in s. 1009.24(4) and 75 percent of the tuition differential pursuant to s. 1009.24(16), if the student remains enrolled in at least one online course during each academic year.

(c) A student who qualifies for the tuition discount under paragraph (b) is eligible to receive the discount for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.

(d) Each state university shall report to the Board of Governors the number and value of all fee waivers granted annually under this subsection.

(e) The Board of Governors shall adopt regulations to administer this subsection.

Section 2. This act shall take effect July 1, 2021.

Page 2 of 2

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 1798

INTRODUCER: Senator Perry

SUBJECT: Higher Education

DATE: April 7, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	<b>Favorable</b>
2.	Underhill	Elwell	AED	<b>Recommend: Favorable</b>
3.			AP	

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**I. Summary:**

SB 1798 establishes a waiver of 100 percent of tuition and fees for one course in a program of strategic emphasis for every course in such a program for which a student pays the full tuition and fees. In order to qualify for the waiver, a student must:

- Be a resident for tuition purposes.
- Initially enroll full-time at a state university for the fall academic term immediately following high school graduation.
- Earn at least 60 semester credit hours towards a baccalaureate degree within two years after initial enrollment.
- Enroll in a program of strategic emphasis as specified by the Board of Governors (BOG).

In addition, the bill specifies that a waiver so granted is applicable only for upper-level courses and up to 110 percent of the number of required credit hours of the baccalaureate degree program.

The bill requires the BOG to adopt regulations to administer the above, and requires each state university to report to the BOG the number and value of all such waivers granted annually.

The bill does not require a state appropriation. However, state universities will have reduced revenues from tuition and fees for each eligible student who enrolls in a program of strategic emphasis. See Section V.

The bill takes effect July 1, 2021.

## **II. Present Situation:**

### **Tuition and Fees**

Tuition is the basic fee a student is charged for instruction provided by a public postsecondary educational institution in Florida.<sup>1</sup> All students are charged fees except students who are exempt or whose fees are waived. State university boards of trustees are authorized to establish fees, which include activity and service, health, and athletic fees; a technology fee; a distance learning fee; a financial aid fee; and a tuition differential fee.<sup>2</sup>

### ***Residency for Tuition Purposes***

To qualify as a resident for tuition purposes, a person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.<sup>3</sup>

### ***Tuition and Fee Rate***

The State University System (SUS) resident undergraduate tuition is set in law at \$105.07 per credit hour.<sup>4</sup> The 2020-2021 SUS average resident undergraduate tuition and fees is \$199.72 per credit hour. The tuition and fees at Florida International University is \$218.71 per credit hour, whereas the tuition and fees at Florida Polytechnic University is \$164.65 per credit hour.<sup>5</sup>

### ***Fee Waivers***

Each university board of trustees is authorized to waive tuition and out-of-state fees for purposes that support and enhance the mission of the university. All fees waived must be based on policies that are adopted by university boards of trustees pursuant to regulations adopted by the Board of Governors (BOG). Each university must report the purpose, number, and value of all fee waivers granted annually in a format prescribed by the BOG.<sup>6</sup>

### **Board of Governors**

The BOG is fully responsible for the operation, regulation, control, and management of the whole university system.<sup>7</sup> The BOG must exercise its authority in a manner that supports, promotes, and enhances a K-20 education system that provides affordable access to postsecondary educational opportunities for residents of the state.<sup>8</sup>

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<sup>1</sup> Section 1009.01(1), F.S.

<sup>2</sup> Section 1009.24(2), (4), (5), (7) through (13), (14), (16), and (17) F.S.

<sup>3</sup> Section 1009.21(2)(a), F.S. A person may establish legal residence by maintaining residence in this state for the preceding year, purchasing a home which is occupied by him or her as his or her residence, or establishing a domicile in this state as specified in law. Section 1009.21(1)(d), F.S.

<sup>4</sup> Section 1009.24(4)(a), F.S.

<sup>5</sup> State University System of Florida, *Tuition and Required Fees, 2020-2021*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>, at 1.

<sup>6</sup> Section 1009.26(9), F.S.

<sup>7</sup> Art. IX, s. 7(d), Fla. Const.

<sup>8</sup> Section 1001.70(3), F.S.



The BOG, or the BOG's designee, is responsible for cost-effective policy decisions appropriate to each constituent university's mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards. Further, the BOG is required to develop a strategic plan specifying goals and objectives for the SUS and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must include:

- Performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions.
- Criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis.<sup>9</sup>

### ***Programs of Strategic Emphasis***

The Programs of Strategic Emphasis exist as one of several tools for aligning the degree production goals of the SUS with the economic and workforce needs of Florida.<sup>10</sup> Florida law specifies that 50 percent of the criteria for designation as high-demand programs of emphasis must be based on achievement of performance outcome thresholds determined by the BOG, and 50 percent of the criteria must be based on achievement of performance outcome thresholds specifically linked to:<sup>11</sup>

- Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree programs one year and five years after graduation, based in part on data provided in the economic security report of employment and earning outcomes produced annually.
- Data-driven gap analyses, conducted by the BOG, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree.<sup>12</sup>

The BOG periodically updates the list of identified programs of strategic emphasis, and most recently updated the list in September 2020,<sup>13</sup> identifying 868 such programs.<sup>14</sup> The BOG categorizes programs of strategic emphasis into five areas:

- Critical Workforce - Education: comprised of the State Board of Education critical teacher shortage areas.
- Critical Workforce - Health: comprised of workforce projections by the Florida Department of Economic Opportunity.

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<sup>9</sup> Section 1001.706(1) and (5)(b), F.S.

<sup>10</sup> Florida Board of Governors, *Methodology for Updating Programs of Strategic Emphasis in the State University System of Florida, Board of Governors 2019 Mid-Course Correction - 2025 Strategic Plan* (Sept. 2019), available at [https://www.flbog.edu/wp-content/uploads/SPC\\_06c\\_2019\\_PSE\\_Methodology\\_and\\_list\\_CE.pdf](https://www.flbog.edu/wp-content/uploads/SPC_06c_2019_PSE_Methodology_and_list_CE.pdf), at 1.

<sup>11</sup> Section 1001.706(5)(b)4., F.S.

<sup>12</sup> See also Florida Board of Governors, *State University System Workforce Initiatives*, Presentation to the House of Representatives Post-Secondary Education & Lifelong Learning Subcommittee (Feb. 10, 2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pe1%202-10-21.pdf>, at 6.

<sup>13</sup> Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited March 24, 2021).

<sup>14</sup> Florida Board of Governors, *Approved PSE List 2020-2021* (Sept. 2020), available at <https://www.flbog.edu/wp-content/uploads/Current-PSE-list-approved-by-the-BOG-at-its-September-2020-meeting-XLSX.xlsx>.

- Critical Workforce - Gap Analysis: programs leading to occupations projected to be critically under-supplied in the BOG analysis of labor market projections and related degree production.
- Economic Development - Global Competitiveness: programs that assist in making the SUS globally competitive.
- Economic Development - Science Technology Engineering and Math: programs identified on at least two program lists published by the Florida Department of Economic Opportunity, the Department of Homeland Security, the National Science Foundation, and the Washington State Education Research and Data Center.<sup>15</sup>

The programs of strategic emphasis are used by the BOG to develop annual accountability plans, coordinate academic programs, and approve new academic programs.<sup>16</sup> Programs of strategic emphasis are also a component of SUS performance-based funding.<sup>17</sup> For the 2019-2020 academic year, 54 percent of bachelor's degrees awarded by the SUS and 63 percent of graduate degrees awarded by the SUS were in programs of strategic emphasis.<sup>18</sup>

### ***State University System Performance-Based Incentive***

The State University System Performance-Based Incentive is awarded to state universities using performance-based metrics adopted by the BOG. Beginning with the BOG's determination of each university's performance improvement and achievement ratings, and the related distribution of annual fiscal year appropriation, the performance-based metrics must include all of the following:<sup>19</sup>

- The four-year graduation rate for first-time-in-college students.
- Beginning in fiscal year 2021-2022, the two-year graduation rate for associate in arts transfer students.
- Retention rates.
- Postgraduation education rates.
- Degree production.
- Affordability.
- Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree.
- Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term.

<sup>15</sup> Florida Board of Governors, *Current CIP 2020 Programs of Strategic Emphasis methodology* (Sept. 2020), available at [https://www.flbog.edu/wp-content/uploads/CIP\\_2020\\_PSE\\_Methodology\\_CE\\_FINAL.pdf](https://www.flbog.edu/wp-content/uploads/CIP_2020_PSE_Methodology_CE_FINAL.pdf), at 3, 4, 5, 6, and 10.

<sup>16</sup> Florida Board of Governors, *Programs of Strategic Emphasis*, <https://www.flbog.edu/resources/academic/programs-of-strategic-emphasis/> (last visited March 24, 2021).

<sup>17</sup> Florida Board of Governors, *Performance Funding Model Overview* (Nov. 2019), available at <https://www.flbog.edu/wp-content/uploads/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version-1.pdf>, at 1. Metric 6 includes bachelor's degrees award in areas of strategic emphasis and Metric 8a. includes graduates degrees awarded in areas of strategic emphasis. See also s. 1001.92, F.S.

<sup>18</sup> Florida Board of Governors, *State University System Workforce Initiatives*, Presentation to the House of Representatives Post-Secondary Education & Lifelong Learning Subcommittee (Feb. 10, 2021), available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3109&Session=2021&DocumentType=Meeting%20Packets&FileName=pel%202-10-21.pdf>, at 11.

<sup>19</sup> Section 1001.92(1), F.S.

- Beginning in fiscal year 2021-2022, the six-year graduation rate for students who are awarded a Pell Grant in their first year.

The BOG must adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding.<sup>20</sup>

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

The bill requires, beginning with the 2021-2022 academic year, for every course in a program of strategic emphasis in which a student pays the full tuition and fees, a state university must waive 100 percent of the tuition and fees for another course in a program of strategic emphasis for a student who:

- Is a resident for tuition purposes.
- Initially enrolls full-time at a state university for the fall academic term immediately following high school graduation.
- Earns at least 60 semester credit hours towards a baccalaureate degree within two years after initial enrollment.
- Enrolls in a program of strategic emphasis in one of the following categories as identified by the Board of Governors (BOG):
  - Science, technology, engineering, or math.
  - Critical workforce education.
  - Critical workforce healthcare.
  - Critical workforce and undersupplied.

In addition, the bill specifies that:

- A waiver so granted is applicable only for upper-level courses and up to 110 percent of the number of required credit hours of the baccalaureate degree program for which the student is enrolled. For example, for a 120-credit hour state university baccalaureate degree program, the waiver is applicable up to 132 credit hours.
- Tuition and course fees waived in this manner may not be reported for state funding purposes.
- A state university that fails to comply with the waiver requirements as specified is ineligible for the State University System Performance-Based Incentive.

The bill requires the BOG to adopt regulations to administer the waiver, and requires each state university to report to the BOG the number and value of all such waivers granted annually.

The bill may provide students an incentive to select a program identified as a critical need.

The bill takes effect July 1, 2021.

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<sup>20</sup> Section 1001.92(1), F.S.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

A student enrolled in an identified program of strategic emphasis may realize a substantial cost savings from the waiver. For example, a student who completes the last 60 credit hours of a 120 credit hour program in a program of strategic emphasis may realize an average savings of \$5,991.79 in tuition and fees.<sup>21</sup>

**C. Government Sector Impact:**

The exact number of students who will qualify for and make use of the tuition and fees waiver is unknown. The negative fiscal impact to each state university would continue for up to 110 percent of the number of required credit hours of the baccalaureate degree program. However, the waivers would only apply to upper-level courses in identified programs of strategic emphasis.

**VI. Technical Deficiencies:**

None.

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<sup>21</sup> See Florida Board of Governors, *State University System of Florida, Tuition and Required Fees, 2020-21*, available at <https://www.flbog.edu/wp-content/uploads/2020-2021-SUS-Tuition-and-Fees-Report-1.pdf>.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1009.26 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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By Senator Perry

8-01365A-21

20211798\_\_

1 A bill to be entitled  
 2 An act relating to higher education; amending s.  
 3 1009.26, F.S.; requiring a state university to waive  
 4 the tuition and fees for certain courses in which  
 5 certain resident students are enrolled; providing  
 6 specified criteria for such waiver; providing  
 7 applicability; prohibiting the reporting of tuition  
 8 and fees waived for state funding purposes; requiring  
 9 each state university to report certain information  
 10 regarding such waiver to the Board of Governors  
 11 annually; providing that a state university is  
 12 ineligible for a specified performance-based incentive  
 13 for failure to comply; requiring the board to adopt  
 14 regulations; providing an effective date.  
 15  
 16 Be It Enacted by the Legislature of the State of Florida:  
 17  
 18 Section 1. Subsection (18) is added to section 1009.26,  
 19 Florida Statutes, to read:  
 20 1009.26 Fee waivers.—  
 21 (18) (a) Beginning with the 2021-2022 academic year, for  
 22 every course in a program of strategic emphasis in which a  
 23 student pays the full tuition and fees, a state university shall  
 24 waive 100 percent of the tuition and fees for another course in  
 25 a program of strategic emphasis for a student who:  
 26 1. Is a resident for tuition purposes under s. 1009.21.  
 27 2. Initially enrolls full-time at a state university for  
 28 the fall academic term immediately following high school  
 29 graduation.

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8-01365A-21

20211798\_\_

30 3. Earns at least 60 semester credit hours towards a  
 31 baccalaureate degree within 2 years after initial enrollment.  
 32 4. Enrolls in a program of strategic emphasis in one of the  
 33 following categories as identified by the Board of Governors:  
 34 a. Science, technology, engineering, or math.  
 35 b. Critical workforce education.  
 36 c. Critical workforce healthcare.  
 37 d. Critical workforce and undersupplied.  
 38 (b) A waiver granted under this subsection is applicable  
 39 only for upper-level courses and up to 110 percent of the number  
 40 of required credit hours of the baccalaureate degree program for  
 41 which the student is enrolled.  
 42 (c) Tuition and course fees waived under this subsection  
 43 may not be reported for state funding purposes.  
 44 (d) Each state university shall report to the Board of  
 45 Governors the number and value of all waivers granted annually  
 46 under this subsection. A state university that fails to comply  
 47 with the requirements of this section is ineligible for the  
 48 State University System Performance-Based Incentive under s.  
 49 1001.92.  
 50 (e) The Board of Governors shall adopt regulations to  
 51 administer this subsection.  
 52 Section 2. This act shall take effect July 1, 2021.

Page 2 of 2

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The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** March 30, 2021

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I respectfully request that **Senate Bill #1798**, relating to Higher Education, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

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Senator Keith Perry  
Florida Senate, District 8

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 1816

INTRODUCER: Senator Rouson

SUBJECT: Task Force on Closing the Achievement Gap for Boys

DATE: April 7, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Jahnke	Bouck	ED	<b>Favorable</b>
2. Underhill	Elwell	AED	<b>Recommend: Favorable</b>
3. _____	_____	AP	_____

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**I. Summary:**

SB 1816 establishes the Task Force on Closing the Achievement Gap for Boys within the Department of Education (DOE) to examine evidence-based strategies for closing the achievement gap for boys and to make recommendations to the department, the Governor, and the Legislature. The recommendations must address:

- Professional development for instructional personnel and school administrators.
- The selection of curriculum, supplemental materials, and classroom activities in early learning programs and K-12 schools.
- Academic, behavioral, and mental health supports to help educate and raise young men who are better prepared for success in school and in life.

The bill establishes the Commissioner of Education or a designee as chair of the task force. Other members of the task force must be appointed by August 1, 2021, including stakeholders appointed by the Governor, the Senate President, and the Speaker of the House of Representatives.

The bill requires the task force to convene by October 1, 2021, and upon the call of the chair thereafter. The task force must submit a report containing its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2022.

The task force expires on June 30, 2022.

The DOE will incur costs associated with support of the functions and meetings of the task force. These costs are indeterminate. Task force members may be entitled to reimbursement for travel and per diem. See Section V.

The bill takes effect July 1, 2021.



## II. Present Situation:

Low reading performance in 3rd grade predicts future poor academic performance, increased risk of not graduating from high school, and lower economic stability as an adult.<sup>1</sup> Girls have outscored boys in reading at ages 9, 13, and 17 on the National Assessment of Educational Progress (NAEP) every year since it was first administered in 1971, and as far back as the 1940s, educators found girls outscoring boys in reading comprehension and vocabulary.<sup>2</sup>

In Florida, boys had an average scale score on the 2019 NAEP reading assessment that was nine points lower than girls both in 4th grade (220 to 229) and in 8th grade (259 to 268).<sup>3</sup> Data from the 2018-2019 administration of Florida's statewide, standardized English Language Arts (ELA) assessment shows that 44 percent of 3rd grade boys were reading below grade level, a four percentage point deficit as compared to girls (40 percent). The deficit is 12 percentage points for 10th grade boys.<sup>4</sup>

2018-19 Florida Standards Assessment in ELA			
Grade Level	Percent of Female Students Scoring Below Grade Level	Percent of Male Students Scoring Below Grade Level	Percentage Point Deficit of Males Compared to Females
3	40%	44%	4%
4	37%	46%	9%
5	39%	48%	9%
6	40%	51%	11%
7	41%	54%	13%
8	38%	49%	11%
9	40%	50%	10%
10	41%	53%	12%

Girls generally outperform boys in reading and writing in most school districts in the United States, regardless of the district's demographics—girls are about half a grade ahead by 3rd grade, and almost a full grade ahead by 8th grade.<sup>5</sup> Gender achievement gaps in 3rd grade through 8<sup>th</sup> grade have narrowed significantly over the last decade, most notably in math.<sup>6</sup>

<sup>1</sup> See The Annie E. Casey Foundation, *Early Reading Research Confirmed, A Research Update on the Importance of Third-Grade Reading* (2013) at 3, available at <https://www.aecf.org/resources/early-warning-confirmed/>.

<sup>2</sup> The Brookings Institution, *The gender gap in reading* (2015), <https://www.brookings.edu/research/the-gender-gap-in-reading/> (last visited Mar. 24, 2021).

<sup>3</sup> The Nation's Report Card, *NAEP Data Explorer*, <https://www.nationsreportcard.gov/ndecore/xplore/NDE> (last visited March 24, 2021) (search query for Florida data on the 2019 National Assessment of Educational Progress in reading for grades 4 and 8, selecting gender as a variable data point).

<sup>4</sup> See Florida Department of Education, *PK-12 Public Schools*, <https://edstats.fldoe.org/SASPortal/main.do> (last visited Mar. 24, 2021) (search query for state level data on the 2018-2019 statewide, standardized ELA assessment, including a gender comparison data point).

<sup>5</sup> Stanford Graduate School of Education, *New Stanford education study shows where boys and girls do better in math, English*, <https://ed.stanford.edu/news/new-stanford-education-study-shows-where-boys-and-girls-do-better-math-english> (last visited Mar. 24, 2021).

<sup>6</sup> *Id.*

There are some theories as to why the reading skills of boys fall behind that of girls, particularly in early years. Some theories attribute differences to environmental or cultural and societal causes or a teacher's treatment and expectations of a student and assumptions about how the student typically behaves.<sup>7</sup> A student's interest or motivation in the subject area could also be a factor. For example, boys are less likely to read for pleasure than girls.<sup>8</sup> One study has supported cultural-societal theories, suggesting further review of differential responses to school-based instruction as well as student interest and motivation, and noted that differences in pre-reading skills apparent in kindergarten are surmountable by later grades.<sup>9</sup>

Some instructional strategies have been identified as helping to improve boys reading skills, including:<sup>10</sup>

- Autonomy in selecting text, including informational texts, to increase interest and motivation to read.
- Robust classroom libraries with high-interest books.
- Small reading groups including common texts or subjects of interest.
- Setting a purpose for a reading activity.
- Providing flexible seating options.
- Incorporating movement into reading lessons.
- Differentiating instruction to ensure success.
- Explicit, systematic instruction including goalsetting with monitoring and feedback.

At least one school district in Florida has implemented an initiative to provide teacher training on strategies that can help close the reading gap for boys.<sup>11</sup> However, there has not been a statewide effort to understand and address the reading gap.

### III. Effect of Proposed Changes:

SB 1816 establishes the Task Force<sup>12</sup> on Closing the Achievement Gap for Boys within the Department of Education (DOE) to examine evidence-based strategies for closing the

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<sup>7</sup> See The Annie E. Casey Foundation, *Early Warning Confirmed, A Research Update on Third-Grade Reading* (2013) at 3, available at <https://www.aecf.org/m/resourcedoc/AECF-EarlyWarningConfirmed-2013.pdf>.

<sup>8</sup> Tiffany Rudek, *Instructional Approaches That Increase Reading Achievement for Boys, Grades 3-6* (2015), available at <https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=2286&context=dissertations>.

<sup>9</sup> The Brookings Institution, *Girls, boys, and reading* (2015), <https://www.brookings.edu/research/girls-boys-and-reading/> (last visited Mar. 24, 2021).

<sup>10</sup> See e.g., Ohio State University, *Strategies to Engage Boys in Reading (and the Girls, Too)*, <https://beyondpenguins.ehe.osu.edu/issue/arctic-and-anarctic-birds/strategies-to-engage-boys-in-reading-and-the-girls-too> (last visited March 24, 2021); Tiffany Rudek, *Instructional Approaches That Increase Reading Achievement for Boys, Grades 3-6* (2015), available at <https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=2286&context=dissertations>; Pinellas Education Foundation, *Closing the Gap: Presentation to the House Early Learning and Elementary Education Subcommittee* (March 9, 2021), available at [https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3106&Session=2021&DocumentType=Meeting Packets&FileName=ele 3-9-21.pdf](https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3106&Session=2021&DocumentType=Meeting%20Packets&FileName=ele%203-9-21.pdf).

<sup>11</sup> Pinellas Education Foundation, *Closing the Gap* (2020), available at <https://pinellaseducation.org/wp-content/uploads/2021/03/Closing-the-Gap.pdf>.

<sup>12</sup> A "task force" means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment. Section 20.03(8), F.S.

achievement gap for boys and to make recommendations to the DOE, the Governor, and the Legislature. The recommendations must address:

- Professional development for instructional personnel and school administrators.
- The selection of curriculum, supplemental materials, and classroom activities in early learning programs and K-12 schools.
- Academic, behavioral, and mental health supports to help educate and raise young men who are better prepared for success in school and in life.

The bill establishes the Commissioner of Education or a designee as chair of the task force. Other members of the task force must be appointed by August 1, 2021, as follows:

- Two members appointed by the Governor:
  - The parent of a boy enrolled in either the Voluntary Prekindergarten (VPK) Education Program or the school readiness program.
  - The parent of a boy enrolled in a public elementary school.
- Five members appointed by the Senate President:
  - A school psychologist employed by a school district.
  - An elementary classroom teacher.
  - A prekindergarten teacher employed by a provider participating in the VPK Education Program or the school readiness program.
  - The executive director of an early learning coalition.
  - A member of the Senate.
- Five members appointed by the Speaker of the House of Representatives:
  - A representative of a nonprofit organization that has conducted research or implemented a program designed to close the achievement gap for boys through specific instructional, behavioral, and mental health supports.
  - The superintendent of a school district that has implemented programming and strategies specifically to help close the achievement gap for boys through a partnership with one or more nonprofit organizations.
  - The director of an early learning provider participating in the VPK Education Program or the school readiness program.
  - The principal of a public elementary school.
  - A member of the House of Representatives.

The bill specifies that members may not receive compensation for serving on the task force, but may receive reimbursements for per diem and travel expenses.

The bill requires the task force to convene by October 1, 2021, and upon the call of the chair thereafter. The bill specifies that meetings may be held through teleconference or other electronic means.

The bill requires the DOE to provide staffing, administrative support, data, and other relevant information to the task force to help it carry out its responsibilities. The task force must submit a report containing its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2022.

The task force expires on June 30, 2022.

The bill takes effect July 1, 2021.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOE will incur cost associated with support of the functions and meetings of the task force. These costs are indeterminate. Task force members may be entitled to reimbursement for travel and per diem.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates an undesignated section of Florida Law.

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

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

None.

**B. Amendments:**

None.

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

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By Senator Rouson

19-01369-21

20211816\_\_

A bill to be entitled

An act relating to the Task Force on Closing the Achievement Gap for Boys; creating the Task Force on Closing the Achievement Gap for Boys within the Department of Education; providing a purpose for the task force; providing for membership and meetings of the task force; requiring the department to provide staff, administrative support, and necessary data and other relevant information to assist the task force; requiring that the task force submit a report to the Governor and Legislature by a specified date; providing for future expiration of the task force; providing an effective date.

WHEREAS, 44 percent of third grade boys are reading below grade level, 4 percentage points more than girls, and 53 percent of 10th grade boys are reading below grade level, 11 percentage points more than girls, based on the 2018-2019 statewide, standardized English Language Arts assessment, and

WHEREAS, research shows that boys develop literacy skills later than girls, and

WHEREAS, in comparison to girls, boys are suspended and expelled from schools more than twice as often, are diagnosed with learning disabilities nearly three times as often, and are diagnosed with emotional disorders over three times as often, and

WHEREAS, boys require specialized instructional, behavioral, and mental health supports in order to flourish academically and personally, NOW, THEREFORE,

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

19-01369-21

20211816\_\_

Be It Enacted by the Legislature of the State of Florida:

Section 1. Task Force on Closing the Achievement Gap for Boys.

(1) The Task Force on Closing the Achievement Gap for Boys, a task force as defined in s. 20.03(8), Florida Statutes, is created within the Department of Education to examine evidence-based strategies for closing the achievement gap for boys and to make recommendations to the department, the Governor, and the Legislature regarding boys' instructional needs through professional development for instructional personnel and school administrators; the selection of curriculum, supplemental materials, and classroom activities in early learning programs and K-12 schools; and other academic, behavioral, and mental health supports necessary to help educate and raise young men who are better prepared for success in school and in life.

(2) The task force shall be composed of the following members, to be appointed by August 1, 2021:

(a) The Commissioner of Education, or his or her designee, who shall be the chair of the task force.

(b) The following members appointed by the Governor:

1. The parent of a boy enrolled in either the Voluntary Prekindergarten Education Program under part V of chapter 1002, Florida Statutes, or the school readiness program under part VI of chapter 1002, Florida Statutes.

2. The parent of a boy enrolled in a public elementary school.

(c) The following members appointed by the President of the

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

19-01369-21

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Senate:

1. A school psychologist employed by a school district.
  2. An elementary classroom teacher.
  3. A prekindergarten teacher employed by a provider participating in the Voluntary Prekindergarten Education Program or the school readiness program.
  4. The executive director of an early learning coalition.
  5. A member of the Senate.
- (d) The following members appointed by the Speaker of the House of Representatives:
1. A representative of a nonprofit organization that has conducted research or implemented a program designed to close the achievement gap for boys through specific instructional, behavioral, and mental health supports.
  2. The superintendent of a school district that has implemented programming and strategies specifically to help close the achievement gap for boys through a partnership with one or more nonprofit organizations.
  3. The director of an early learning provider participating in the Voluntary Prekindergarten Education Program or the school readiness program.
  4. The principal of a public elementary school.
  5. A member of the House of Representatives.
- (3) Members of the task force shall serve without compensation, but may be entitled to receive reimbursement for per diem and travel expenses.
- (4) The task force shall convene no later than October 1, 2021, and upon the call of the chair thereafter. Meetings of the task force may be held through teleconference or other

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electronic means.

- (5) The department shall provide staff, administrative support, and necessary data and other relevant information to assist the task force in carrying out its responsibilities.
  - (6) The task force shall submit a report containing its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2022.
  - (7) The task force expires June 30, 2022.
- Section 2. This act shall take effect July 1, 2021.



The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** March 30, 2021

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I respectfully request that **Senate Bill #1816**, relating to Task Force on Closing the Achievement Gap for Boys, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in green ink that reads "Darryl Ervin Rouson".

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Senator Darryl Ervin Rouson  
Florida Senate, District 19



THE FLORIDA SENATE  
**APPEARANCE RECORD**

17

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/30/21  
Meeting Date

SB 1816  
Bill Number (if applicable)

Topic Task Force on Closing Achievement Amendment Barcode (if applicable)

Name Brita "Breeta" LINCOLN Gap for Boys

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy Phone 407/855-7604

Street

Orlando

City

FL

State

32809

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM**



**THE FLORIDA SENATE**

**APPEARANCE RECORD**

4/8/21

*Meeting Date*

1816

*Bill Number (if applicable)*

Topic Task Force on Closing the Achievement Gap for Boys

*Amendment Barcode (if applicable)*

Name Mary Chance

Job Title President/CEO

Address P.O. Box 358719

Phone 352-338-0250

*Street*

Gainesville

FL

32635

Email marychance@cfef.net

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Consortium of Florida Education Foundations

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: SB 1864

INTRODUCER: Senator Perry

SUBJECT: Education

DATE: April 7, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2. <u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3. _____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 1864 requires the Department of Education (DOE) to maintain a list of persons permanently disqualified from employment in a public school or a private school that participates in a state educational scholarship program (private scholarship school). The bill requires this disqualification list to include the identities of persons whose misconduct affects the health, safety, or welfare of a student and prohibits public schools, private scholarship schools, and approved virtual instruction providers from employing a person in a position with direct contact with students if the person is included on the disqualification list. The bill also:

- Requires that educational support employees be included to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.
- Requires the complete investigation of complaints of misconduct by public school personnel and provides authority for the DOE to place a person on the disqualification list.
- Provides that a person commits a felony of the third degree for employing a person identified on the disqualification list.
- Provides authority for the DOE to remove a person from the disqualification list.
- Prohibits district school boards from rescreening an employee of an approved virtual instruction provider who has been screened in accordance with the rules for instructional and noninstructional personnel with direct contact with students in a district school system.

The bill does not require a state appropriation. While DOE may incur costs associated with maintaining the disqualification list, these costs can be absorbed within existing resources. See Section V.

The bill takes effect July 1, 2021.

## **II. Present Situation:**

The Department of Education (DOE) is required to provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program (private scholarship schools) in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators. In addition, the DOE is required to provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private scholarship schools with access to:

- The Professional Practices' Database of Disciplinary Actions Against Educators;
- The DOE's Teacher Certification Database; and
- Data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.<sup>1</sup>

### **Disqualification from Employment**

Before employing a person in any position that requires direct contact with students in a district school, charter school, or private scholarship school, the employer must conduct employment history checks of each of the person's previous employers, screen instructional personnel and school administrators using the Professional Practices' Database of Disciplinary Actions Against Educators and the DOE's Teacher Certification Database, and document the findings.<sup>2</sup>

A person is ineligible for an educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private scholarship school if the person has been convicted of certain offenses specified in law.<sup>3</sup> District school boards and charter school governing boards must disqualify instructional personnel and school administrators from employment in any position that requires direct contact with students if the person is ineligible for employment due to a conviction of any of the specified offenses.

A school district or private scholarship school may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination. School districts and private scholarship schools must disclose misconduct that affects the health, safety, or welfare of a student when discussing performance with prospective employers in another educational setting. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.<sup>4</sup>

### **Criminal History Background Screening**

#### ***Public Schools***

Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any public school, including a charter school, must file

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<sup>1</sup> Section 1001.10(4) and (5), F.S.

<sup>2</sup> Sections 1002.33(12), 1002.421(1), and 1012.27(6), F.S.

<sup>3</sup> Section 1012.315, F.S.

<sup>4</sup> *Id.*

with the district school board a complete set of fingerprints, which are submitted to the Florida Department of Law Enforcement (FDLE), for statewide criminal and juvenile records checks, and to the Federal Bureau of Investigation (FBI), for national criminal records checks.<sup>5</sup> The screening cost is borne by the district school board, the charter school, the employee, the contractor, or other person subject to the screening requirements.<sup>6</sup> FBI criminal history record information may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.<sup>7</sup> The FDLE must retain the fingerprints and report any arrest record of a person that is identified with the retained fingerprints to the employing or contracting school district or the school district with which the person is affiliated.<sup>8</sup> Employees and contracted personnel subject to these fingerprinting requirements must be rescreened every five years.<sup>9</sup>

### ***Private Schools Accepting State Scholarship Students***

A private scholarship school must require each employee, contracted personnel, and owner or operator with direct student contact to undergo a state and national background screening by electronically filing a complete set of fingerprints with the FDLE. The FDLE must retain the fingerprints and report any arrest record of a person that is identified with the retained fingerprints to the employing or contracting private scholarship school. Employees and contracted personnel subject to these fingerprinting requirements must be rescreened every five years.<sup>10</sup>

### ***Approved Virtual Instruction Programs***

An approved virtual instruction provider must require all instructional staff to hold certificates issued by the DOE and conduct background screening for all instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students, using state and national criminal history records. Instructional and noninstructional personnel of an approved virtual instructional provider who are contracted to fill positions that require direct contact with students in any public school must also satisfy the screening, fingerprint retention, and rescreening requirements of the public school with which the personnel are contracted.<sup>11</sup>

### **Standards of Ethical Conduct for Education Personnel**

District school boards, charter school governing boards, and private scholarship schools are required to adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators to complete training on the standards of ethical conduct, establish the duty of, and procedures for, instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or

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<sup>5</sup> Section 1012.32(2), F.S. This requirement is subject to limited exceptions for noninstructional contractors who meet the requirements specified in s. 1012.468, F.S.

<sup>6</sup> Section 1012.32(2), F.S.

<sup>7</sup> 28 C.F.R. s. 50.12(b).

<sup>8</sup> Section 1012.32(3), F.S.

<sup>9</sup> Sections 1012.465 and 1012.56(10), F.S.

<sup>10</sup> Section 1002.421(1)(m) and (p), F.S.

<sup>11</sup> Section 1002.45(2)(a), F.S. and s. 1012.32, F.S.

welfare of a student.<sup>12</sup> These policies must also include an explanation of liability protections for reporting child abuse and disclosing information concerning former employees.<sup>13</sup>

District school board policies must require the superintendent to report to law enforcement misconduct by instructional personnel or school administrators that would result in disqualification from educator certification or employment.<sup>14</sup>

District school board officials and superintendents, charter schools, and private scholarship schools are subject to penalties for failing to adopt policies establishing standards of ethical conduct. Specifically:

- If a school board member knowingly fails to adopt policies that require instructional personnel and school administrators to report misconduct, the member forfeits his or her salary for one year.<sup>15</sup>
- A district school superintendent who knowingly fails to investigate or report such misconduct, or knowingly files a false report of misconduct, also forfeits his or her salary for one year.<sup>16</sup>
- The sponsor<sup>17</sup> of the charter school must terminate the charter.<sup>18</sup>
- The DOE must suspend the payment of funds to a private scholarship school and shall prohibit the school from enrolling new scholarship students for one fiscal year and until the school complies. In the event the private scholarship school consistently fails to comply, the commissioner may determine that the private scholarship school is ineligible to participate in a scholarship program.

The commissioner may deny, suspend, or revoke a private school's participation in a scholarship program if the commissioner determines that:

- An owner or operator of the private scholarship school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to health, safety or welfare of the public; or
- The owner or operator has exhibited a previous pattern of failure to comply with the relevant law or specific requirements identified within respective scholarship program laws.<sup>19</sup>

### **Complaints against Teachers and Administrators**

A person seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must hold a certificate issued by the DOE.<sup>20</sup> If allegations arise against an employee who possesses an

<sup>12</sup> Sections 1001.42(6), 1002.33(12)(g), 1002.421(1)(n), and 1012.796(1)(d), F.S.

<sup>13</sup> Section 1006.061, F.S.

<sup>14</sup> Section 1001.42(6), F.S.

<sup>15</sup> Section 1001.42(7)(b), F.S.

<sup>16</sup> Section 1001.51(12), F.S.

<sup>17</sup> The local district school board or a state university may sponsor a charter school. Section 1002.33(5), F.S.

<sup>18</sup> Section 1002.33(12)(g)5., F.S.

<sup>19</sup> Section 1002.421(3), F.S.

<sup>20</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

educator certificate and is employed in an educator-certificated position in any public school, charter school, or private scholarship school, the school must file a legally sufficient complaint with the DOE within 30 days from the date the school had notice of the incident, regardless of whether the subject of the allegations is still employed by the school.<sup>21</sup>

The DOE is tasked with investigating any legally sufficient complaint filed before it or otherwise called to its attention which contains grounds for sanctions against an educator certificate and must immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints—even if the complainant withdraws the complaint. The DOE may investigate a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate.<sup>22</sup>

A school district superintendent must report to the DOE an arrest or conviction of any administrative or instructional personnel for certain offenses specified by the DOE within twenty-four hours of a matter coming to the attention of a school district. The same reporting requirements apply to substantiated allegations of misconduct by any administrative or instructional personnel that would constitute any of offenses specified by the DOE, regardless of whether there has been an arrest or conviction.<sup>23</sup>

### **The Education Practices Commission**

The Education Practices Commission (EPC) is a quasi-judicial body of peers, law enforcement and lay persons which interprets and applies the standards of professional practice established by the SBE.<sup>24</sup> The EPC is assigned to the DOE for administrative purposes but is not subject to control, supervision, or direction by the DOE.<sup>25</sup>

The EPC may impose one or more of the following penalties against a person with an educator certificate:

- Suspend the educator certificate of any instructional personnel or school administrator, for up to five years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching.
- Revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to law.
- Permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students.

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<sup>21</sup> Section 1012.796(1)(e), F.S.

<sup>22</sup> Section 1012.796(1), F.S.

<sup>23</sup> Rule 6A-10.082, F.A.C.

<sup>24</sup> Section 1012.79, F.S.

<sup>25</sup> Section 1012.79(6)(a), F.S.

- Suspend an educator's certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; or impose any other penalty provided by law.<sup>26</sup>

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

#### **The Florida Department of Education**

The bill requires the DOE to maintain a list of persons permanently disqualified from employment in a public school or a private scholarship school. The bill requires this disqualification list to include the identity of any person who has been:

- Permanently denied an educator certificate or whose educator certificate has been permanently revoked and has been placed on the list by the Education Practices Commission (EPC);
- Permanently disqualified by the commissioner as an owner or operator of a private scholarship school for a reason that reflects a risk of harm to the health, safety, or welfare of a student;
- Terminated, or has resigned in lieu of termination, from employment with a district school board as a result of misconduct that affects the health, safety, or welfare of a student; or
- Disqualified from employment due to a conviction of any of the offenses specified in law.

The bill authorizes the DOE to remove a person from the disqualification list if the person demonstrates that:

- A completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt, and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in no finding that the person committed disqualifying conduct; or
- The person was not the subject of the report of disqualifying conduct and was included on the disqualification list in error or as a result of mistaken identity.

The bill authorizes the EPC to direct the DOE to place employees or contractual personnel of any public school, charter school, charter school governing board, or private scholarship school on the disqualification list for conduct that would render the person ineligible for employment.

The bill requires the State Board of Education (SBE) to adopt rules to implement the disqualification list.

#### **Disqualification from Employment**

The bill requires that staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private scholarship schools conduct employment history checks on educational support employees to the same extent currently required for instructional personnel and school administrators. The bill also adds the disqualification list to the employment screening tools provided by the DOE to staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private scholarship schools.

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<sup>26</sup> Section 1012.795(1), F.S.



The bill disqualifies a person included on the disqualification list from educator certification or employment in a position that requires direct contact with students<sup>27</sup> in a district school system, charter school, approved virtual instruction program, or private scholarship school.

The bill provides that a person commits a felony of the third degree if the person:

- Is included on the disqualification list and serves or applies to serve as an employee or contractual personnel at any public school or private scholarship school; or
- Hires a person who is included on the disqualification list to serve as an employee or contractual personnel at any public school or private scholarship school.

The bill requires a law enforcement agency to make certain notifications to the appropriate employer regarding the arrest of public school contractors and private school employees and contractors. This notification is in addition to the existing requirement that a law enforcement agency must, within 48 hours, notify the appropriate district school superintendent of the name and address of any employee of the school district who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance.

## **Standards of Ethical Conduct for Education Personnel**

### ***Educational Support Employees***

The bill requires district school boards, charter schools, and private scholarship schools to include educational support employees to the same extent required for instructional personnel and school administrators in policies establishing standards of ethical conduct and procedures for investigating, reporting, and terminating personnel.

### ***Public Schools***

The bill adds to existing requirements that subject a school board official to penalties for failing to adopt policies to investigate misconduct and report misconduct to the DOE. Specifically, the bill subjects a school board official to existing penalties if the school board official knowingly fails to adopt policies that require:

- The complete investigation of all reports of misconduct of specified personnel, regardless of whether the personnel resigned or is terminated before the conclusion of the investigation.
- The superintendent to notify the DOE of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated prior to the conclusion of the investigation.

### ***Approved Virtual Instruction Providers***

The bill requires an approved virtual instruction provider to:

- Receive arrest reports for all employees or contracted personnel.
- Comply with the requirements in law for reporting complaints of misconduct against educational support employees, teachers, and administrators and designate at least one administrator to be responsible for the duties and requirements assigned to a district school board and superintendent pursuant to that section.

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<sup>27</sup> Section 1012.315, F.S

- Inform the district school board of a complaint regarding misconduct or an arrest of instructional or noninstructional personnel of an approved virtual instruction provider.
- Participate in the fingerprint retention and arrest record search process by payment of an annual fee to the Florida Department of Law Enforcement (FDLE) and by informing FDLE of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained.
- Designate an administrator to be responsible for the duties and requirements related to background screening assigned to a district school board and superintendent under applicable laws that provide for rescreening.

The bill prohibits a district school board from requiring employees or contractual personnel of an approved virtual instruction provider to undergo additional background screening.

### ***Private Schools***

The bill authorizes the Commissioner of Education (commissioner) to permanently revoke or deny the authority of an owner or operator to establish or operate a private scholarship school if the commissioner decides that the owner or operator is operating or has operated an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public. That owner or operator must be included on the disqualification list.

### ***The Florida Department of Law Enforcement***

The bill requires the FDLE to retain the fingerprints of instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in a virtual instruction program and report any arrest record that is identified with the retained fingerprints to the employing or contracting approved virtual instruction provider.

The bill requires the FDLE to set the annual fees to be imposed on approved virtual instruction providers for performing searches of arrest records, the retention of fingerprints, and the dissemination of search results.

### **Complaints against Educational Personnel**

The bill adds educational support employees to the list of personnel about whom the DOE receives and maintains reports of complaints. The bill requires district school boards and charter school governing boards to:

- Immediately investigate any legally sufficient complaint that involves misconduct by an educational support employee, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and would result in termination.
- Report an investigation that results in termination, or the accused person's resignation in lieu of termination, to the DOE for inclusion on the disqualification list.

The bill clarifies that the duty of:

- School districts to maintain confidentiality of employee personnel files does not absolve the school district of any legally required notifications or duties to report allegations of misconduct to the DOE.

- District school boards to investigate complaints of misconduct and report findings and conclusions to the DOE is not limited by the district school board's notification to the DOE of the resignation or termination of the subject of a legally sufficient complaint prior to the conclusion of the school district's investigation.
- The DOE to maintain reports of misconduct as a public record in a personnel's certification files does not limit or restrict the power and duty of the DOE to investigate complaints regarding certificated personnel, nor does it create a duty for the DOE to investigate complaints regarding noncertificated personnel.

The bill requires charter schools to comply with the requirements in law for reporting complaints of misconduct against educational support employees, teachers, and administrators, and assigns the duties of a district school superintendent to charter school administrative personnel. The bill requires the district school superintendent to suspend with pay an educational support employee who is the subject of a complaint of misconduct.

The bill codifies the requirement that each school district superintendent immediately report to the DOE an arrest, conviction, or substantiated allegation of misconduct of any administrative or instructional personnel for certain offenses specified by the DOE. The bill expands this reporting requirement to include educational support employees and charter school governing boards, approved virtual instruction providers, and private scholarship schools.

The bill requires a complete investigation before the DOE may issue a new certificate to a person whose educator certificate has expired if the person is the subject of a complaint for which the act or acts that were the basis for the complaint were allegedly committed while that person possessed an educator certificate.

The bill takes effect July 1, 2021.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

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

None.

##### **C. Trust Funds Restrictions:**

None.

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

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not require a state appropriation. However, school districts may incur costs associated with the provisions of the bill addressing the investigation of complaints of misconduct. In addition, DOE may incur costs to develop or update databases related to maintaining the disqualification list. Although these technology costs are unknown, DOE has previously indicated that the technology costs could be absorbed within existing resources.<sup>28</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.10, 1001.42, 1002.33, 1002.421, 1002.45, 1006.061, 1012.31, 1012.315, 1012.32, 1012.795, 1012.796, and 1012.797.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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<sup>28</sup> Department of Education, Senate Bill 1444 Agency Bill Analysis (March 14, 2019) (on file with the Senate Appropriations Subcommittee on Education).

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

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By Senator Perry

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1 A bill to be entitled  
 2 An act relating to education; amending s. 1001.10,  
 3 F.S.; requiring the Department of Education to  
 4 maintain a disqualification list that includes the  
 5 identities of certain persons; providing requirements  
 6 for the disqualification list; authorizing the  
 7 department to remove a person from the  
 8 disqualification list if certain conditions are met;  
 9 requiring the State Board of Education to adopt rules;  
 10 requiring the department to provide certain staff with  
 11 access to information from the disqualification list;  
 12 amending s. 1001.42, F.S.; requiring district school  
 13 boards to investigate certain complaints and report  
 14 certain results of such investigations to the  
 15 department; requiring the department to place a person  
 16 who is terminated, or resigns in lieu of termination,  
 17 for a certain reason on the disqualification list;  
 18 requiring district school boards to adopt policies  
 19 establishing standards of ethical conduct for  
 20 educational support employees; requiring district  
 21 school boards to disqualify educational support  
 22 employees from employment in certain circumstances;  
 23 requiring district school boards to report a  
 24 disqualified person to the department for inclusion on  
 25 the disqualification list; revising the circumstances  
 26 under which a school board official shall forfeit his  
 27 or her salary for 1 year; amending s. 1002.33, F.S.;  
 28 prohibiting an individual who is on the  
 29 disqualification list from being employed by a charter

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30 school or serving as a member of a charter school  
 31 governing board; requiring a charter school to  
 32 disqualify certain persons and make a report to the  
 33 department to include the person on the  
 34 disqualification list; requiring charter school  
 35 governing boards to adopt policies establishing  
 36 standards of ethical conduct for certain employees;  
 37 requiring charter schools to perform a certain  
 38 screening before employing a person in any position  
 39 that requires direct contact with students; requiring  
 40 charter schools to comply with a specified provision;  
 41 assigning duties to certain charter school  
 42 administrative personnel and a charter school  
 43 governing board; amending s. 1002.421, F.S.; requiring  
 44 certain private schools to adopt policies establishing  
 45 standards of ethical conduct for certain employees;  
 46 revising requirements for certain private schools  
 47 relating to employment; requiring certain private  
 48 schools to disqualify certain persons and make a  
 49 report to the department to include the person on the  
 50 disqualification list; authorizing the Commissioner of  
 51 Education to deny or revoke the authority of an owner  
 52 or operator of a certain private school to establish  
 53 or operate a private school under certain conditions;  
 54 requiring the commissioner to include such person on  
 55 the disqualification list; amending s. 1002.45, F.S.;  
 56 revising virtual instruction program provider  
 57 qualifications for department approval; expanding the  
 58 screening requirements for employees and personnel of

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59 an approved virtual instruction program provider;  
 60 requiring an approved virtual instruction program  
 61 provider to disqualify certain persons and make a  
 62 report to the department to include the persons on the  
 63 disqualification list; requiring an approved virtual  
 64 instruction program provider to comply with a  
 65 specified provision; requiring an approved virtual  
 66 instruction program provider to inform the district  
 67 school board of a certain complaint; amending s.  
 68 1006.061, F.S.; requiring certain schools to include  
 69 information related to certain employees in a required  
 70 posting; amending s. 1012.31, F.S.; clarifying a  
 71 school district reporting requirement; amending s.  
 72 1012.315, F.S.; expanding ineligibility for educator  
 73 certification or employment to persons who are on the  
 74 disqualification list; amending s. 1012.32, F.S.;  
 75 expanding requirements for screening of certain  
 76 personnel of a virtual instruction program;  
 77 prohibiting district school boards from requiring  
 78 additional background screening of certain employees  
 79 and personnel; amending s. 1012.795, F.S.; expanding  
 80 the authority of the Education Practices Commission to  
 81 discipline certain employees and personnel; amending  
 82 s. 1012.796, F.S.; requiring the department to  
 83 complete an investigation before issuing a new  
 84 educator certificate to certain persons; clarifying  
 85 the duty of a district school board to perform certain  
 86 investigations; requiring certain entities to report  
 87 certain arrests and allegations of misconduct of

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88 certain employees, personnel, and administrators to  
 89 the department; requiring district school boards to  
 90 adopt certain policies and procedures regarding  
 91 educational support employees; requiring school  
 92 superintendents to report certain misconduct of  
 93 educational support employees to the department;  
 94 requiring the department to include certain employees,  
 95 personnel, and administrators on the disqualification  
 96 list; requiring the department to maintain certain  
 97 reports of misconduct; clarifying the department's  
 98 duty to investigate certificated personnel; requiring  
 99 a district school superintendent to suspend and  
 100 reassign educational support employees for a certain  
 101 allegation of misconduct; expanding penalties that may  
 102 be imposed by the commission; authorizing the  
 103 commission to direct the department to include a  
 104 certain person on the disqualification list for  
 105 certain conduct; prohibiting persons on the  
 106 disqualification list from serving or applying to  
 107 serve as employees or contract personnel at certain  
 108 institutions; providing criminal penalties; amending  
 109 s. 1012.797, F.S.; expanding the list of entities that  
 110 law enforcement agencies must notify of certain  
 111 charges; requiring law enforcement agencies to notify  
 112 certain institutions of certain charges against  
 113 employees or contractors; providing an effective date.

115 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) (a) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(b) The department shall maintain a disqualification list, which must include the following information:

1. The identity of any person who has been permanently denied an educator certificate or whose educator certificate has been permanently revoked and the person has been placed on the list as directed by the Education Practices Commission pursuant to s. 1012.795(1) or s. 1012.796(7);

2. The identity of any person who has been permanently disqualified by the commissioner to be an owner or operator of a private school participating in state scholarship programs pursuant to s. 1002.421 for a reason that reflects any risk of harm to the health, safety, or welfare of a student;

3. The identity of any person who has been terminated, or has resigned in lieu of termination, from employment with a district school board as a result of misconduct that affects the health, safety, or welfare of a student; and

4. The identity of any person who has been disqualified

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from employment pursuant to s. 1012.315.

(c) The department may remove a person from the disqualification list if the person demonstrates that:

1. A completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt, and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in no finding that the person committed disqualifying conduct; or

2. The person was not the subject of the report of disqualifying conduct and was included on the disqualification list in error or as a result of mistaken identity.

(d) The State Board of Education shall adopt rules to implement the disqualification list.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; ~~and~~

(b) The Department of Education's Teacher Certification Database; and

(c) The Department of Education's disqualification list maintained pursuant to paragraph (4) (b).

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the



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department shall provide the staff with access to the data necessary for performing employment history checks of the educational support employees, instructional personnel, and school administrators included in the databases.

Section 2. Subsections (6) and (7) of section 1001.42, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—

(c) Immediately investigate any legally sufficient complaint that involves misconduct by an educational support employee, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and would result in termination. An investigation that results in termination, or the accused person's resignation in lieu of termination, must be reported to the department, and the department shall place the person on the disqualification list maintained pursuant to s. 1001.10(4)(b).

(6) STANDARDS OF ETHICAL CONDUCT FOR EDUCATIONAL SUPPORT EMPLOYEES, INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS.—Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees,

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instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be

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enforced.

(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify educational support employees, instructional personnel, and administrative personnel, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees or personnel are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the disqualified employees or personnel and the disqualifying circumstances to the department for inclusion on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b). An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by educational support employees, instructional personnel, or administrative personnel which affects the health, safety, or welfare of a student and the school board official knows the ~~report~~ to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require:

1. Educational support employees, instructional personnel, and administrative personnel to report alleged misconduct by other educational support employees, instructional personnel, and administrative personnel;

2. The district school superintendent to report misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315

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to the law enforcement agencies with jurisdiction over the conduct and the department as required by s. 1012.796; or

3. The complete investigation of all reports of alleged misconduct by educational support employees, instructional personnel, and administrative personnel, if the misconduct affects the health, safety, or welfare of a student, regardless of whether the educational support employees, instructional personnel, or administrative personnel resign or are terminated before the conclusion of the investigation. The policy must require the superintendent to notify the department of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the conclusion of the investigation.

Section 3. Paragraph (g) of subsection (12) and paragraphs (b) and (c) of subsection (16) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. A person may not be employed by a charter school or serve as a member of a charter school governing board if the person is ineligible pursuant to s. 1012.315 or is included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall disqualify educational support employees, instructional personnel, and school administrators,

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 as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, or school administrators with employment references

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 or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing a person ~~instructional personnel or school administrators~~ in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the person's ~~personnel's or administrators'~~ previous employers, screen the person ~~instructional personnel or school administrators~~ through use of the ~~educator~~ screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that knowingly fails to comply with this paragraph shall terminate the charter under subsection (8).

(16) EXEMPTION FROM STATUTES.—

(b) ~~Additionally,~~ A charter school also shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size,

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except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat assessment teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.

13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

14. Section 1012.584, relating to youth mental health awareness and assistance training.

15. Section 1012.796, relating to complaints against educational support employees, teachers, and administrators.

(c) For purposes of subparagraphs (b)4.-7. and 15.:

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be

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responsible for such duties.

2. The duties assigned to a district school board apply to a charter school governing board.

3. A charter school may hire instructional personnel and other employees on an at-will basis.

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

Section 4. Paragraphs (n) and (o) of subsection (1) and subsection (3) of section 1002.421, Florida Statutes, are amended, and paragraph (r) of subsection (1) is added to that section, to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(n) Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete

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training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the employees, instructional personnel, or school administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(o) Before employing an individual ~~instructional personnel or school administrators~~ in any position that requires direct contact with students, conduct employment history checks of ~~each of the personnel's or administrators'~~ previous employers, screen the individual using the ~~personnel or administrators through use~~

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~~of the educator~~ screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer. The private school must deny employment to any individual whose educator certificate is revoked, who is barred from reapplication for an educator certificate, or who is identified on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

(r) Disqualify educational support employees, instructional personnel, and school administrators from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment pursuant to this section or s. 1012.315, and, if the disqualifying conduct occurs subsequent to employment, report the person and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

The Commissioner of Education:

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(a) Shall deny, suspend, or revoke a private school's participation in a scholarship program if it is determined that the private school has failed to comply with this section or exhibits a previous pattern of failure to comply. However, if the noncompliance is correctable within a reasonable amount of time, not to exceed 45 days, and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.

(b) May deny, suspend, or revoke a private school's participation in a scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public or if the owner or operator has exhibited a previous pattern of failure to comply with this section or specific requirements identified within respective scholarship program laws. For purposes of this subsection, the term "owner or operator" has the same meaning as provided in paragraph (1)(p).

(c) May permanently deny or revoke the authority of an owner or operator to establish or operate a private school participating in an educational scholarship program pursuant to this chapter if the commissioner decides that the owner or operator is operating or has operated an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public, and

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shall include such person on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

~~(d) 1. (c) 1.~~ In making such a determination, may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education scholarship program; an owner's or operator's failure to reimburse the department or scholarship-funding organization for scholarship funds improperly received or retained by a school; the imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; the imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

2. The commissioner's determination is subject to the following:

a. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this

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paragraph.

b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

c. Upon receipt of a request referred pursuant to this subparagraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this sub-subparagraph may be waived upon stipulation by all parties.

(e) ~~(d)~~ May immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students;

2. A previous pattern of failure to comply with this section; or

3. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent

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activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in subparagraph (d)2. ~~subparagraph (e)2.~~

Section 5. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of

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581 providers approved to offer virtual instruction programs. To be  
 582 approved by the department, a provider must document that it:

583 1. Is nonsectarian in its programs, admission policies,  
 584 employment practices, and operations;

585 2. Complies with the antidiscrimination provisions of s.  
 586 1000.05;

587 3. Locates an administrative office or offices in this  
 588 state, requires its administrative staff to be state residents,  
 589 requires all instructional staff to be Florida-certified  
 590 teachers under chapter 1012, and conducts background screenings  
 591 and receives arrest reports for all employees or contracted  
 592 personnel, as required by s. 1012.32, using state and national  
 593 criminal history records, and designates at least one  
 594 administrator to be responsible for the duties and requirements  
 595 related to background screening assigned to a district school  
 596 board and superintendent under ss. 1012.465 and 1012.56(10);

597 4. Disqualifies educational support employees,  
 598 instructional personnel, and administrative personnel, as  
 599 defined in s. 1012.01, from employment in any position that  
 600 requires direct contact with students, if the employees or  
 601 personnel are ineligible for such employment under s. 1012.315,  
 602 and, if the disqualifying conduct occurs subsequent to  
 603 employment, reports the disqualified employees or personnel and  
 604 the disqualifying circumstances to the department for inclusion  
 605 on the disqualification list maintained by the department  
 606 pursuant to s. 1001.10(4)(b).

607 5.4- Provides to parents and students specific information  
 608 posted and accessible online that includes, but is not limited  
 609 to, the following teacher-parent and teacher-student contact

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610 information for each course:

611 a. How to contact the instructor via phone, e-mail, or  
 612 online messaging tools.

613 b. How to contact technical support via phone, e-mail, or  
 614 online messaging tools.

615 c. How to contact the administration office via phone, e-  
 616 mail, or online messaging tools.

617 d. Any requirement for regular contact with the instructor  
 618 for the course and clear expectations for meeting the  
 619 requirement.

620 e. The requirement that the instructor in each course must,  
 621 at a minimum, conduct one contact via phone with the parent and  
 622 the student each month;

623 ~~6.5-~~ Possesses prior, successful experience offering online  
 624 courses to elementary, middle, or high school students as  
 625 demonstrated by quantified student learning gains in each  
 626 subject area and grade level provided for consideration as an  
 627 instructional program option. However, for a provider without  
 628 sufficient prior, successful experience offering online courses,  
 629 the department may conditionally approve the provider to offer  
 630 courses measured pursuant to subparagraph (8)(a)2. Conditional  
 631 approval shall be valid for 1 school year only and, based on the  
 632 provider's experience in offering the courses, the department  
 633 shall determine whether to grant approval to offer a virtual  
 634 instruction program;

635 ~~7.6-~~ Is accredited by a regional accrediting association as  
 636 defined by State Board of Education rule;

637 ~~8.7-~~ Ensures instructional and curricular quality through a  
 638 detailed curriculum and student performance accountability plan



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that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

~~9.8-~~ Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

~~10.9-~~ If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

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~~11.10-~~ Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

12. Complies with s. 1012.796, relating to complaints against educational support employees, teachers, and administrators and designates at least one administrator to be responsible for the duties and requirements assigned to a district school board and superintendent pursuant to that section. A virtual instruction provider must inform the district school board of a complaint regarding misconduct or an arrest of instructional or noninstructional personnel.

Section 6. Subsection (2) of section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students who participate in a state scholarship program under chapter 1002 shall:

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on educational support employees, instructional personnel, or school administrators who fail to

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 697 report suspected or actual child abuse or alleged misconduct by  
 698 other educational support employees, instructional personnel, or  
 699 school administrators.

700  
 701 The Department of Education shall develop, and publish on the  
 702 department's Internet website, sample notices suitable for  
 703 posting in accordance with subsections (1), (2), and (4).

704 Section 7. Paragraph (a) of subsection (3) of section  
 705 1012.31, Florida Statutes, is amended to read:

706 1012.31 Personnel files.—Public school system employee  
 707 personnel files shall be maintained according to the following  
 708 provisions:

709 (3) (a) Public school system employee personnel files are  
 710 subject to the provisions of s. 119.07(1), except as follows:

711 1. Any complaint and any material relating to the  
 712 investigation of a complaint against an employee shall be  
 713 confidential and exempt from the provisions of s. 119.07(1)  
 714 until the conclusion of the preliminary investigation or until  
 715 such time as the preliminary investigation ceases to be active.  
 716 If the preliminary investigation is concluded with the finding  
 717 that there is no probable cause to proceed further and with no  
 718 disciplinary action taken or charges filed, a statement to that  
 719 effect signed by the responsible investigating official shall be  
 720 attached to the complaint, and the complaint and all such  
 721 materials shall be open thereafter to inspection pursuant to s.  
 722 119.07(1). If the preliminary investigation is concluded with  
 723 the finding that there is probable cause to proceed further or  
 724 with disciplinary action taken or charges filed, the complaint  
 725 and all such materials shall be open thereafter to inspection

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 726 pursuant to s. 119.07(1). If the preliminary investigation  
 727 ceases to be active, the complaint and all such materials shall  
 728 be open thereafter to inspection pursuant to s. 119.07(1). For  
 729 the purpose of this subsection, a preliminary investigation  
 730 shall be considered active as long as it is continuing with a  
 731 reasonable, good faith anticipation that an administrative  
 732 finding will be made in the foreseeable future. An investigation  
 733 shall be presumed to be inactive if no finding relating to  
 734 probable cause is made within 60 days after the complaint is  
 735 made. This subparagraph does not absolve the school district of  
 736 the duty to issue any legally required notifications, including  
 737 the its duty to provide any legally sufficient complaint to the  
 738 department in accordance with within 30 days after the date on  
 739 which the subject matter of the complaint comes to the attention  
 740 of the school district pursuant to s. 1012.796(1) (d) 1. and 3.,  
 741 regardless of the status of the complaint.

742 2. An employee evaluation prepared pursuant to s. 1012.33,  
 743 s. 1012.34, or s. 1012.56 or rules adopted by the State Board of  
 744 Education or district school board under the authority of those  
 745 sections shall be confidential and exempt from the provisions of  
 746 s. 119.07(1) until the end of the school year immediately  
 747 following the school year in which the evaluation was made. No  
 748 evaluation prepared before July 1, 1983, shall be made public  
 749 pursuant to this section.

750 3. No material derogatory to an employee shall be open to  
 751 inspection until 10 days after the employee has been notified  
 752 pursuant to paragraph (2)(c).

753 4. The payroll deduction records of an employee shall be  
 754 confidential and exempt from the provisions of s. 119.07(1).

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5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

Section 8. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students who participate in a state scholarship program under chapter 1002 if the person is included in the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) or has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated

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manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or

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813 solicitation of a child by a person in familial or custodial  
 814 authority.

815 (r) Section 794.05, relating to unlawful sexual activity  
 816 with certain minors.

817 (s) Section 794.08, relating to female genital mutilation.

818 (t) Chapter 796, relating to prostitution.

819 (u) Chapter 800, relating to lewdness and indecent  
 820 exposure.

821 (v) Section 800.101, relating to offenses against students  
 822 by authority figures.

823 (w) Section 806.01, relating to arson.

824 (x) Section 810.14, relating to voyeurism.

825 (y) Section 810.145, relating to video voyeurism.

826 (z) Section 812.014(6), relating to coordinating the  
 827 commission of theft in excess of \$3,000.

828 (aa) Section 812.0145, relating to theft from persons 65  
 829 years of age or older.

830 (bb) Section 812.019, relating to dealing in stolen  
 831 property.

832 (cc) Section 812.13, relating to robbery.

833 (dd) Section 812.131, relating to robbery by sudden  
 834 snatching.

835 (ee) Section 812.133, relating to carjacking.

836 (ff) Section 812.135, relating to home-invasion robbery.

837 (gg) Section 817.563, relating to fraudulent sale of  
 838 controlled substances.

839 (hh) Section 825.102, relating to abuse, aggravated abuse,  
 840 or neglect of an elderly person or disabled adult.

841 (ii) Section 825.103, relating to exploitation of an

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842 elderly person or disabled adult.

843 (jj) Section 825.1025, relating to lewd or lascivious  
 844 offenses committed upon or in the presence of an elderly person  
 845 or disabled person.

846 (kk) Section 826.04, relating to incest.

847 (ll) Section 827.03, relating to child abuse, aggravated  
 848 child abuse, or neglect of a child.

849 (mm) Section 827.04, relating to contributing to the  
 850 delinquency or dependency of a child.

851 (nn) Section 827.071, relating to sexual performance by a  
 852 child.

853 (oo) Section 843.01, relating to resisting arrest with  
 854 violence.

855 (pp) Chapter 847, relating to obscenity.

856 (qq) Section 874.05, relating to causing, encouraging,  
 857 soliciting, or recruiting another to join a criminal street  
 858 gang.

859 (rr) Chapter 893, relating to drug abuse prevention and  
 860 control, if the offense was a felony of the second degree or  
 861 greater severity.

862 (ss) Section 916.1075, relating to sexual misconduct with  
 863 certain forensic clients and reporting of such sexual  
 864 misconduct.

865 (tt) Section 944.47, relating to introduction, removal, or  
 866 possession of contraband at a correctional facility.

867 (uu) Section 985.701, relating to sexual misconduct in  
 868 juvenile justice programs.

869 (vv) Section 985.711, relating to introduction, removal, or  
 870 possession of contraband at a juvenile detention facility or

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871 commitment program.

872 (2) Any misdemeanor offense prohibited under any of the  
873 following statutes:

874 (a) Section 784.03, relating to battery, if the victim of  
875 the offense was a minor.

876 (b) Section 787.025, relating to luring or enticing a  
877 child.

878 (3) Any criminal act committed in another state or under  
879 federal law which, if committed in this state, constitutes an  
880 offense prohibited under any statute listed in subsection (1) or  
881 subsection (2).

882 (4) Any delinquent act committed in this state or any  
883 delinquent or criminal act committed in another state or under  
884 federal law which, if committed in this state, qualifies an  
885 individual for inclusion on the Registered Juvenile Sex Offender  
886 List under s. 943.0435(1)(h)1.d.

887 Section 9. Paragraph (a) of subsection (2) and paragraph  
888 (b) of subsection (3) of section 1012.32, Florida Statutes, are  
889 amended to read:

890 1012.32 Qualifications of personnel.—

891 (2)(a) Instructional and noninstructional personnel who are  
892 hired or contracted to fill positions that require direct  
893 contact with students in any district school system, virtual  
894 instruction program, or university lab school must, upon  
895 employment or engagement to provide services, undergo background  
896 screening as required under s. 1012.465 or s. 1012.56, whichever  
897 is applicable. A district school board may not require employees  
898 or contractual personnel of a virtual instruction provider  
899 approved pursuant to s. 1002.45(2) to undergo additional

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900 background screening.

901  
902 Fingerprints shall be submitted to the Department of Law  
903 Enforcement for statewide criminal and juvenile records checks  
904 and to the Federal Bureau of Investigation for federal criminal  
905 records checks. A person subject to this subsection who is found  
906 ineligible for employment under s. 1012.315, or otherwise found  
907 through background screening to have been convicted of any crime  
908 involving moral turpitude as defined by rule of the State Board  
909 of Education, shall not be employed, engaged to provide  
910 services, or serve in any position that requires direct contact  
911 with students. Probationary persons subject to this subsection  
912 terminated because of their criminal record have the right to  
913 appeal such decisions. The cost of the background screening may  
914 be borne by the district school board, the charter school, the  
915 employee, the contractor, or a person subject to this  
916 subsection. A district school board shall reimburse a charter  
917 school the cost of background screening if it does not notify  
918 the charter school of the eligibility of a governing board  
919 member or instructional or noninstructional personnel within the  
920 earlier of 14 days after receipt of the background screening  
921 results from the Florida Department of Law Enforcement or 30  
922 days of submission of fingerprints by the governing board member  
923 or instructional or noninstructional personnel.

924 (3)

925 (b) The Department of Law Enforcement shall search all  
926 arrest fingerprints received under s. 943.051 against the  
927 fingerprints retained in the statewide automated biometric  
928 identification system under paragraph (a). Any arrest record

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that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing or contracting school district, virtual instruction provider approved pursuant to s. 1002.45(2), or the school district with which the person is affiliated. All school districts and approved virtual instruction providers are ~~Each school district is~~ required to participate in this search process by payment of an annual fee to the Department of Law Enforcement and by informing the Department of Law Enforcement of any change in the affiliation, employment, or contractual status or place of affiliation, employment, or contracting of its instructional and noninstructional personnel whose fingerprints are retained under paragraph (a). The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each school district and approved virtual instruction provider for performing these searches and establishing the procedures for the retention of instructional and noninstructional personnel fingerprints and the dissemination of search results. The fee may be borne by the district school board, the approved virtual instruction provider, the contractor, or the person fingerprinted.

Section 10. Subsection (1) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission may suspend the educator certificate of any instructional personnel or school administrator, as defined in s. 1012.01(2) or (3), for up to 5 years, thereby denying that person the right to teach or

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otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the person may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for up to 10 years, with reinstatement subject to subsection (4); may permanently revoke the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend a person's educator certificate, upon an order of the court or notice by the Department of Revenue relating to the payment of child support; may direct the department to place employees or contractual personnel of any public school, charter school, charter school governing board, or private school that participates in a state scholarship program under chapter 1002 on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) for misconduct that would render the person ineligible pursuant to s. 1012.315; or may impose any other penalty provided by law, if the person:

(a) Obtained or attempted to obtain an educator certificate by fraudulent means.

(b) Knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student as required in s. 1012.796.

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987 (c) Has proved to be incompetent to teach or to perform  
 988 duties as an employee of the public school system or to teach in  
 989 or to operate a private school.

990 (d) Has been guilty of gross immorality or an act involving  
 991 moral turpitude as defined by rule of the State Board of  
 992 Education, including engaging in or soliciting sexual, romantic,  
 993 or lewd conduct with a student or minor.

994 (e) Has had an educator certificate or other professional  
 995 license sanctioned by this or any other state or has had the  
 996 authority to practice the regulated profession revoked,  
 997 suspended, or otherwise acted against, including a denial of  
 998 certification or licensure, by the licensing or certifying  
 999 authority of any jurisdiction, including its agencies and  
 1000 subdivisions. The licensing or certifying authority's acceptance  
 1001 of a relinquishment, stipulation, consent order, or other  
 1002 settlement offered in response to or in anticipation of the  
 1003 filing of charges against the licensee or certificateholder  
 1004 shall be construed as action against the license or certificate.  
 1005 For purposes of this section, a sanction or action against a  
 1006 professional license, a certificate, or an authority to practice  
 1007 a regulated profession must relate to being an educator or the  
 1008 fitness of or ability to be an educator.

1009 (f) Has been convicted or found guilty of, has had  
 1010 adjudication withheld for, or has pled guilty or nolo contendere  
 1011 to a misdemeanor, felony, or any other criminal charge, other  
 1012 than a minor traffic violation.

1013 (g) Upon investigation, has been found guilty of personal  
 1014 conduct that seriously reduces that person's effectiveness as an  
 1015 employee of the district school board.

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1016 (h) Has breached a contract, as provided in s. 1012.33(2)  
 1017 or s. 1012.335.

1018 (i) Has been the subject of a court order or notice by the  
 1019 Department of Revenue pursuant to s. 409.2598 directing the  
 1020 Education Practices Commission to suspend the certificate as a  
 1021 result of noncompliance with a child support order, a subpoena,  
 1022 an order to show cause, or a written agreement with the  
 1023 Department of Revenue.

1024 (j) Has violated the Principles of Professional Conduct for  
 1025 the Education Profession prescribed by State Board of Education  
 1026 rules.

1027 (k) Has otherwise violated the provisions of law, the  
 1028 penalty for which is the revocation of the educator certificate.

1029 (l) Has violated any order of the Education Practices  
 1030 Commission.

1031 (m) Has been the subject of a court order or plea agreement  
 1032 in any jurisdiction which requires the certificateholder to  
 1033 surrender or otherwise relinquish his or her educator's  
 1034 certificate. A surrender or relinquishment shall be for  
 1035 permanent revocation of the certificate. A person may not  
 1036 surrender or otherwise relinquish his or her certificate prior  
 1037 to a finding of probable cause by the commissioner as provided  
 1038 in s. 1012.796.

1039 (n) Has been disqualified from educator certification under  
 1040 s. 1012.315.

1041 (o) Has committed a third recruiting offense as determined  
 1042 by the Florida High School Athletic Association (FHSA) pursuant  
 1043 to s. 1006.20(2)(b).

1044 (p) Has violated test security as provided in s. 1008.24.

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Section 11. Section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against educational support employees, teachers, and administrators; procedure; penalties.—

(1) (a) The Department of Education shall cause to be investigated expeditiously any complaint filed before it or otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (7). The complaint is legally sufficient if it contains the ultimate facts that ~~which~~ show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The department shall investigate or continue to investigate and take appropriate action on a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate and may not issue a new certificate to such person unless an investigation has been completed.

(b) The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue to investigate and take action on such a complaint filed against

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a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate.

(c) When an investigation is undertaken, the department shall notify the certificateholder or applicant for certification and the district school superintendent or the university laboratory school, charter school, or private school in which the certificateholder or applicant for certification is employed or was employed at the time the alleged offense occurred. In addition, the department shall inform the certificateholder or applicant for certification of the substance of any complaint that ~~which~~ has been filed against that certificateholder or applicant, unless the department determines that such notification would be detrimental to the investigation, in which case the department may withhold notification.

(d) 1. Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district, regardless of whether the subject of the complaint is still an employee of the school district. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school district shall include all information relating to the complaint which is known to the school district at the time of filing.

2. A school district shall immediately notify the department if the subject of a legally sufficient complaint of



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misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school district's investigation. Upon receipt of the notification, the department shall place an alert on the person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until permitted by subsection (4). This subparagraph does not limit or restrict the duty of the district school board to investigate the complaint and misconduct and report the findings and conclusion to the department.

3. Each district school board or superintendent, charter school governing board, approved virtual instruction provider, and private school that participates in a state scholarship program under chapter 1002 shall immediately report to the Department of Education an arrest or conviction of educational support employees, administrative or instructional personnel, or school officials for an offense that reflects a risk of harm to the health, safety, or welfare of a student or would render the person ineligible pursuant to s. 1012.315, as determined by state board rule adopted pursuant to this section. The same reporting requirements apply to a substantiated allegation of such misconduct by educational support employees, administrative or instructional personnel, or school officials, regardless of whether the accused person has been arrested or convicted in relation to the misconduct.

4.3- Each district school board shall develop and adopt

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policies and procedures to comply with this reporting requirement. School board policies and procedures must include standards for screening, hiring, and terminating educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01; standards of ethical conduct for educational support employees, instructional personnel, and school administrators; the duties of educational support employees, instructional personnel, and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by educational support employees, instructional personnel, and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of educational support employees, instructional personnel, and ~~or~~ school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with s. 1001.51 or s. 1012.795. The district school board policies and procedures must ~~shall~~ include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures and is accountable for the training of all educational support employees, instructional personnel, and school administrators of the school district on the standards of ethical conduct, policies, and procedures.

5.4- If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of

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the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent is subject to penalties as specified in s. 1001.51(12).

~~6.5-~~ If the superintendent determines that misconduct by educational support employees, instructional personnel, or school administrators who hold an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the educational support employees, instructional personnel, or school administrators may resign or be terminated, and the superintendent must report the misconduct to the department in the format prescribed by the department. The department shall place such educational support employees, instructional personnel, or school administrators on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b). The department shall maintain each report of misconduct as a public record in the educational support employees', instructional personnel's, or school administrators' certification files. This paragraph does not limit or restrict the power and duty of the department to investigate complaints regarding certificated personnel, regardless of the school district's untimely filing, or failure to file, complaints and followup reports. This subparagraph does not create a duty for the department to investigate complaints regarding noncertified personnel.

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or

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governing board thereof, or private school that accepts scholarship students who participate in a state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school, regardless of whether the subject of the allegations is still an employee of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports. A school described in this paragraph shall immediately notify the department if the subject of a legally sufficient complaint of misconduct affecting the health, safety, or welfare of a student resigns or is terminated before the conclusion of the school's investigation. Upon receipt of the notification, the department shall place an alert on the person's certification file indicating that he or she resigned or was terminated before an investigation involving allegations of misconduct affecting the health, safety, or welfare of a student was concluded. In such circumstances, the database may not include specific information relating to the alleged misconduct until permitted by subsection (4).

(f) Notwithstanding any other law, all law enforcement agencies, state attorneys, social service agencies, district

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1219 school boards, and the Division of Administrative Hearings shall  
 1220 fully cooperate with and, upon request, shall provide unredacted  
 1221 documents to the Department of Education to further  
 1222 investigations and prosecutions conducted pursuant to this  
 1223 section. Any document received may not be redisclosed except as  
 1224 authorized by law.

1225 (2) The Commissioner of Education shall develop job  
 1226 specifications for investigative personnel employed by the  
 1227 department. Such specifications shall be substantially  
 1228 equivalent to or greater than those job specifications of  
 1229 investigative personnel employed by the Department of Business  
 1230 and Professional Regulation. The department may contract with  
 1231 the Department of Business and Professional Regulation for  
 1232 investigations. No person who is responsible for conducting an  
 1233 investigation of a teacher or administrator may prosecute the  
 1234 same case. The department general counsel or members of that  
 1235 staff may conduct prosecutions under this section.

1236 (3) The department staff shall advise the commissioner  
 1237 concerning the findings of the investigation and of all  
 1238 referrals by the Florida High School Athletic Association  
 1239 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The  
 1240 department general counsel or members of that staff shall review  
 1241 the investigation or the referral and advise the commissioner  
 1242 concerning probable cause or lack thereof. The determination of  
 1243 probable cause shall be made by the commissioner. The  
 1244 commissioner shall provide an opportunity for a conference, if  
 1245 requested, prior to determining probable cause. The commissioner  
 1246 may enter into deferred prosecution agreements in lieu of  
 1247 finding probable cause if, in his or her judgment, such

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1248 agreements are in the best interests of the department, the  
 1249 certificateholder, and the public. Such deferred prosecution  
 1250 agreements shall become effective when filed with the clerk of  
 1251 the Education Practices Commission. However, a deferred  
 1252 prosecution agreement may not be entered into if there is  
 1253 probable cause to believe that a felony or an act of moral  
 1254 turpitude, as defined by rule of the State Board of Education,  
 1255 has occurred, or for referrals by the FHSAA. Upon finding no  
 1256 probable cause, the commissioner shall dismiss the complaint and  
 1257 may issue a letter of guidance to the certificateholder.

1258 (4) The complaint and all information obtained pursuant to  
 1259 the investigation by the department shall be confidential and  
 1260 exempt from the provisions of s. 119.07(1) until the conclusion  
 1261 of the preliminary investigation of the complaint, until such  
 1262 time as the preliminary investigation ceases to be active, or  
 1263 until such time as otherwise provided by s. 1012.798(6).  
 1264 However, the complaint and all material assembled during the  
 1265 investigation may be inspected and copied by the  
 1266 certificateholder under investigation, or the  
 1267 certificateholder's designee, after the investigation is  
 1268 concluded, but prior to the determination of probable cause by  
 1269 the commissioner. If the preliminary investigation is concluded  
 1270 with the finding that there is no probable cause to proceed, the  
 1271 complaint and information shall be open thereafter to inspection  
 1272 pursuant to s. 119.07(1). If the preliminary investigation is  
 1273 concluded with the finding that there is probable cause to  
 1274 proceed and a complaint is filed pursuant to subsection (6), the  
 1275 complaint and information shall be open thereafter to inspection  
 1276 pursuant to s. 119.07(1). If the preliminary investigation

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ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. 1012.798(6). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

(5) When an allegation of misconduct by educational support employees, instructional personnel, or school administrators, as defined in s. 1012.01, is received, if the alleged misconduct affects the health, safety, or welfare of a student, the district school superintendent in consultation with the school principal, or upon the request of the Commissioner of Education, must immediately suspend the educational support employees, instructional personnel, or school administrators from regularly assigned duties, with pay, and reassign the suspended employees, personnel, or administrators to positions that do not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

(6) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in accordance with the provisions of subsection (7) to the

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appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant's application, for a specified period of time or permanently.

(b) Revocation or suspension of a certificate.

(c) Imposition of an administrative fine not to exceed \$2,000 for each count or separate offense.

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation. An educator who has been placed on probation shall, at a minimum:

1. Immediately notify the investigative office in the Department of Education upon employment or separation from employment in any public or private position requiring a Florida educator's certificate.

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1335 2. Have his or her immediate supervisor submit annual  
 1336 performance reports to the investigative office in the  
 1337 Department of Education.  
 1338 3. Pay to the commission within the first 6 months of each  
 1339 probation year the administrative costs of monitoring probation  
 1340 assessed to the educator.  
 1341 4. Violate no law and fully comply with all district school  
 1342 board policies, school rules, and State Board of Education  
 1343 rules.  
 1344 5. Satisfactorily perform his or her assigned duties in a  
 1345 competent, professional manner.  
 1346 6. Bear all costs of complying with the terms of a final  
 1347 order entered by the commission.  
 1348 (e) Restriction of the authorized scope of practice of the  
 1349 teacher, administrator, or supervisor.  
 1350 (f) Reprimand of the teacher, administrator, or supervisor  
 1351 in writing, with a copy to be placed in the certification file  
 1352 of such person.  
 1353 (g) Imposition of an administrative sanction, upon a person  
 1354 whose teaching certificate has expired, for an act or acts  
 1355 committed while that person possessed a teaching certificate or  
 1356 an expired certificate subject to late renewal, which sanction  
 1357 bars that person from applying for a new certificate for a  
 1358 period of 10 years or less, or permanently.  
 1359 (h) Refer the teacher, administrator, or supervisor to the  
 1360 recovery network program provided in s. 1012.798 under such  
 1361 terms and conditions as the commission may specify.  
 1362 (i) Direct the department to place educational support  
 1363 employees, instructional personnel, or school administrators on

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1364 the disqualification list maintained by the department pursuant  
 1365 to s. 1001.10(4)(b) for conduct that would render the person  
 1366 ineligible pursuant to s. 1012.315.  
 1367  
 1368 The penalties imposed under this subsection are in addition to,  
 1369 and not in lieu of, the penalties required for a third  
 1370 recruiting offense pursuant to s. 1006.20(2)(b).  
 1371 (8) Violations of the provisions of a final order shall  
 1372 result in an order to show cause issued by the clerk of the  
 1373 Education Practices Commission if requested by the Department of  
 1374 Education. Upon failure of the educator, at the time and place  
 1375 stated in the order, to show cause satisfactorily to the  
 1376 Education Practices Commission why a penalty for violating the  
 1377 provisions of a final order should not be imposed, the Education  
 1378 Practices Commission shall impose whatever penalty is  
 1379 appropriate as established in s. 1012.795(6). The Department of  
 1380 Education shall prosecute the individual ordered to show cause  
 1381 before the Education Practices Commission. The Department of  
 1382 Education and the individual may enter into a settlement  
 1383 agreement, which shall be presented to the Education Practices  
 1384 Commission for consideration. Any probation period will be  
 1385 tolled when an order to show cause has been issued until the  
 1386 issue is resolved by the Education Practices Commission;  
 1387 however, the other terms and conditions of the final order shall  
 1388 be in full force and effect until changed by the Education  
 1389 Practices Commission.  
 1390 (9) All moneys collected by, or awarded to, the commission  
 1391 as fees, fines, penalties, or costs shall be deposited into the  
 1392 Educational Certification and Service Trust Fund pursuant to s.

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1012.59.

(10) Persons included on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b) may not serve or apply to serve as employees or contractual personnel at any public school or private school participating in a state scholarship program under chapter 1002. A person who knowingly violates this subsection, or an employer who knowingly hires a person in violation of this subsection, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Section 1012.797, Florida Statutes, is amended to read:

1012.797 Notification by law enforcement ~~of district school superintendent~~ of certain charges against or convictions of employees.-

(1) Notwithstanding ~~the provisions of~~ s. 985.04(7) or any other ~~provision of~~ law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent, charter school governing board, or private school owner or administrator, as applicable, of the name and address of any employee or contractor of the school district, charter school, or private school, as applicable, who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee or contractor ~~of the school district~~ was arrested. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university lab schools, and private elementary and secondary schools.

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(2) Except to the extent necessary to protect the health, safety, and welfare of other students, the information obtained by the district school superintendent pursuant to this section may be released only to appropriate school personnel or as otherwise provided by law.

Section 13. This act shall take effect July 1, 2021.

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The Florida Senate

## Committee Agenda Request

**To:** Senator Doug Broxson, Chair  
Appropriations Subcommittee on Education

**Subject:** Committee Agenda Request

**Date:** March 30, 2021

---

I respectfully request that **Senate Bill #1864**, relating to Education, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

---

Senator Keith Perry  
Florida Senate, District 8

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/21  
Meeting Date

SB 1844  
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Brita "Brita" Lincoln

Job Title Legislative Committee

Address 1747 Orlando Central Pkwy Phone 407/855-7604  
Street  
Orlando FL 32809 Email bwilkinslincoln@gmail.com  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)



# CourtSmart Tag Report

**Room:** KB 412  
**Caption:** Senate Appropriations Subcommittee on Education

**Case No.:** -

**Type:**  
**Judge:**

**Started:** 4/8/2021 11:30:01 AM

**Ends:** 4/8/2021 12:36:01 PM

**Length:** 01:06:01

11:30:52 AM	Sen. Broxson (Chair)
11:32:10 AM	S 934
11:32:17 AM	Sen. Wright
11:32:34 AM	Sen. Broxson
11:32:35 AM	Am. 751078
11:32:43 AM	Sen. Wright
11:33:04 AM	Sen. Broxson
11:33:12 AM	Am. 425540
11:33:19 AM	Sen. Passidomo
11:34:42 AM	Sen. Broxson
11:35:11 AM	Sen. Wright
11:35:18 AM	Sen. Broxson
11:35:40 AM	Jessica Fowler, Deputy Legislative Affairs Director, Florida Department of Education (waives in support)
11:35:56 AM	Sen. Wright
11:36:11 AM	Sen. Broxson
11:37:02 AM	S 366
11:37:09 AM	Sen. Hutson
11:37:11 AM	Am. 627820
11:37:14 AM	Sen. Broxson
11:37:16 AM	Sen. Hutson
11:38:44 AM	Am. 511432
11:38:55 AM	Sen. Hutson
11:39:55 AM	Sen. Broxson
11:40:54 AM	Matthew Choy, Director, The Florida Chamber of Commerce (waives in support)
11:41:14 AM	Scott Jenkins, Senior Government Consultant, Florida Homebuilders Association (waives in support)
11:41:25 AM	Sen. Broxson
11:41:50 AM	Sen. Hutson
11:42:04 AM	Sen. Broxson
11:42:33 AM	S 918
11:42:46 AM	Sen. Bradley
11:43:48 AM	Sen. Broxson
11:43:56 AM	Angela Dempsey, Cambridge Assessment International Education (waives in support)
11:44:19 AM	Sen. Bradley
11:44:32 AM	Sen. Broxson
11:45:02 AM	S 1282
11:45:18 AM	Sen. Harrell
11:46:06 AM	Am. 240086
11:46:14 AM	Sen. Harrell
11:49:08 AM	Sen. Broxson
11:49:30 AM	Brenda Dickinson, Lobbyist, Florida Council of Independent Schools
11:50:10 AM	Sen. Broxson
11:50:11 AM	Chris Duggan, Executive Director, FLAAYC (waives in support)
11:50:16 AM	David Daniel, Florida Association for Child Care Management (waives in support)
11:50:53 AM	Tony Loupe, Chair, Association of Early Learning Coalitions
11:51:12 AM	Sen. Broxson
11:52:01 AM	Tony Loupe, Chair, Association of Early Learning Coalitions (waives in support)
11:52:09 AM	Sen. Broxson
11:52:20 AM	Adam Gaffey, Head of School, Robert F. Munroe Day School
11:53:41 AM	Sen. Broxson
11:53:42 AM	Chris Duggan, Executive Director, FLAAYC (waives in support)
11:53:48 AM	Brita Lincoln, Legislative Committee, Florida PTA (waives in opposition)
11:53:54 AM	Matthew Choy, Director, The Florida Chamber of Commerce (waives in support)

11:54:01 AM	Michael Barrett, Associate for Education, Florida Conference of Catholic Bishops (waives in support)
11:54:50 AM	Sen. Harrell
11:55:30 AM	Sen. Broxson
11:55:59 AM	S 192
11:56:11 AM	Sen. Book
11:57:05 AM	Sen. Broxson
11:57:14 AM	Brita Lincoln, Legislative Committee, Florida PTA (waives in support)
11:57:24 AM	Pamela Burch Fort, NAACP Florida State Conference (waives in support)
11:57:33 AM	David Cullen, Advocacy Institute for Children (waives in support)
11:58:32 AM	S 1816
11:58:38 AM	Sen. Rouson
11:59:39 AM	Sen. Broxson
11:59:50 AM	Brita Lincoln, Legislative Committee, Florida PTA (waives in support)
11:59:54 AM	Mary Chance, President/CEO, Consortium of Florida Education Foundations (waives in support)
12:00:47 PM	S 1028
12:01:01 PM	Sen. Diaz
12:01:50 PM	Sen. Broxson
12:01:51 PM	Am. 444320
12:02:00 PM	Sen. Diaz
12:03:18 PM	Sen. Broxson
12:03:32 PM	Sen. Polsky
12:03:50 PM	Sen. Diaz
12:04:14 PM	Sen. Polsky
12:04:22 PM	Sen. Diaz
12:04:26 PM	Sen. Polsky
12:04:41 PM	Sen. Diaz
12:04:55 PM	Sen. Broxson
12:05:04 PM	Adam Miller, VP Policy, IDEA Public Schools (waives in support)
12:05:11 PM	Stuart Brown, Lobbyist, KIPP Miami (waives in support)
12:05:42 PM	Sen. Gibson
12:06:09 PM	Sen. Broxson
12:06:11 PM	Sen. Diaz
12:06:36 PM	Sen. Broxson
12:06:46 PM	Ethan Merchant, Governmental Affairs Coordinator, National Coalition for Public School Options (waives in support)
12:06:52 PM	Sen. Broxson
12:07:02 PM	Andreina Figueroa, Academica
12:07:28 PM	Phillip Singleton, Representative, Wayman Academy of the Arts
12:08:25 PM	Sen. Broxson
12:08:34 PM	Marie-Claire Leman, Parent and tax payer, Fund Education Now
12:10:37 PM	Sen. Broxson
12:10:54 PM	Sen. Gibson
12:11:27 PM	Sen. Broxson
12:12:01 PM	Sen. Diaz
12:12:56 PM	Sen. Broxson
12:13:27 PM	Brita Lincoln, Legislative Committee, Florida PTA (waives in opposition)
12:13:33 PM	Adam Miller, VP Policy, IDEA Public Schools (waives in support)
12:13:37 PM	Ellen Merchant, National Coalition of Public School Options (waives in support)
12:13:42 PM	Christian Camara, Florida Charter School Alliance (waives in support)
12:14:03 PM	Marie-Claire Leman, Parent and tax payer, Fund Education Now
12:14:28 PM	Sen. Broxson
12:14:40 PM	Sen. Cruz
12:15:37 PM	Sen. Broxson
12:15:45 PM	Sen. Diaz
12:17:50 PM	Sen. Broxson
12:18:26 PM	S 1336
12:18:42 PM	Sen. Gibson
12:21:03 PM	Sen. Broxson
12:21:47 PM	Sen. Gibson
12:22:27 PM	Sen. Broxson
12:22:44 PM	David Daniel, Florida Association for Child Care Management
12:25:34 PM	Sen. Broxson

12:25:49 PM	Sen. Gibson
12:26:34 PM	Sen. Broxson
12:27:01 PM	S 1672 TP
12:27:12 PM	S 1798
12:27:23 PM	Sen. Diaz
12:28:16 PM	Sen. Broxson
12:29:07 PM	S 1864
12:29:17 PM	Sen. Diaz
12:31:44 PM	Sen. Broxson
12:31:48 PM	Sen. Gibson
12:32:37 PM	Sen. Diaz
12:33:49 PM	Sen. Gibson
12:34:04 PM	Sen. Diaz
12:34:56 PM	Sen. Broxson
12:35:01 PM	Brita Lincoln, Legislative Committee, Florida PTA (waives in support)
12:35:17 PM	Sen. Diaz
12:35:20 PM	Sen. Broxson
12:35:56 PM	
12:35:59 PM	
12:36:00 PM	
12:36:01 PM	