

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 443](#)

TITLE: Charter Schools

SPONSOR(S): Snyder

COMPANION BILL: [SB 822](#) (Rodriguez)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Education Administration](#)

13 Y, 4 N, As CS

[PreK-12 Budget](#)

[Education & Employment](#)

SUMMARY

Effect of the Bill:

The bill authorizes a charter school to adopt its own code of student conduct and give an enrollment preference to prekindergarten program completers, providing certain requirements are met. It also authorizes a high-performing charter school to assume the charter of another charter school in the same district. The bill prohibits charter school sponsors from imposing certain deadlines and enrollment limitations on charter schools and requires access to and sharing of student data by sponsors and the Department of Education (DOE) with charter schools.

The bill requires a charter school governing board to adopt procedures relating to student welfare and parental rights. The bill specifies requirements for who can serve on a governing board.

The bill specifies that, in addition to facilities, land owned by certain types of institutions may provide space to a charter school under their existing zoning and land use designations. Finally, when a school district seeks to sell, transfer, lease, or dispose of any real property, charter schools must be granted the right of first refusal.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

The bill revises current provisions relating to [charter schools](#), charter school sponsors, and the use of real property for public education purposes.

Governance

The bill authorizes a [high-performing charter school](#) to assume the charter of an existing charter school within the same school district. Any request to assume a charter must be initiated by a school in a written format to the high-performing charter school. The sponsor then has 40 days to provide an initial draft charter to the charter school. (Section [2](#)).

Enrollment

The bill authorizes a charter school that is not on a [school improvement plan or corrective action plan](#) to increase its enrollment above the capacity identified in its charter as long as it does not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion includes any improvements to an existing facility or any new facility in which the student of the charter school will enroll. It requires the charter school to notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year and to specify the amount of the enrollment increase. (Section [1](#)).

STORAGE NAME: h0443a.EAS

DATE: 3/28/2025

The bill permits charter schools to give an enrollment preference to a student who successfully completed a public or private prekindergarten program during the previous year provided by the charter school, the charter school's governing board, or a prekindergarten provider that has a written agreement with the governing board. Currently, this preference is designated only for voluntary prekindergarten (VPK) program completers.¹ (Section [1](#)).

Administration

The bill requires:

- A charter school governing board to have the same duties as a district school board for the purpose of adopting procedures relating to student welfare and parental rights.²
- A charter school sponsor to provide the charter school and its contractor with access to the sponsor's student information system, unless prohibited by general or federal law.
- A charter school sponsor and the Department of Education (DOE) to provide student performance data to a charter school and its contractor, unless prohibited by general or federal law. (Section [1](#)).

The bill authorizes:

- A charter school governing board to adopt its own code of student conduct if it meets or exceeds minimum standards in the sponsor's code of student conduct. More stringent provisions must align with the charter school's mission. The sponsor may review and offer recommendations. Any complaint or appeal will be resolved by the charter school's governing board, in compliance with applicable law and rules. (Section [1](#)).

The bill prohibits:

- A sponsor from imposing earlier administrative deadlines on a charter school than its own corresponding deadlines. Deadlines imposed for financial audits or other administrative requirements may not be earlier than 15 days before the sponsor's own deadline for similar submissions to the DOE.
- A landlord of a charter school, his or her spouse, an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse from serving on a charter school governing board unless it was established as a charter school in a municipality. (Section [1](#)).

Real Property

The bill specifies that, in addition to their [facilities](#), any land owned by a library, community service, museum, performing arts, theater, cinema, church facility, or any similar public institution may provide space to charter schools under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or land use change. (Section [1](#)).

The bill also requires school districts to prioritize the continued use of real property for public education purposes. Therefore, when a school district seeks to sell, transfer, lease, or dispose of any real property, charter schools must be granted the right of first refusal. The bill requires that the right of first refusal period for a charter school to submit a formal offer is 60 days commencing on the date the publicly noticed agenda item is heard at a school board meeting. A charter school's formal offer must include the proposed terms, intended use, and evidence of the charter school's financial capability. The district school board must acknowledge receipt of all offers in writing and engage in good-faith negotiations with any charter school that submits an offer. The district school board may not finalize any transaction or engage in negotiations with any non-charter school entity for the sale, transfer, lease, or disposal of the real property until the right of first refusal process is completed. (Section [3](#)).

The effective date of the bill is July 1, 2025. (Section [4](#)).

¹ Section [1002.33\(10\)\(d\)5., F.S.](#)

² Section [1001.42\(8\)\(c\)1. and 4., F.S.](#) A district school board must adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. See r. 6A-6.0791, F.A.C. The purpose of this rule is to provide information about the process for a parent of a student enrolled in a charter school to request appointment of a Special Magistrate for disputes involving the student's health, safety, or welfare as described in [s. 1001.42\(8\)\(c\). F.S.](#)

RULEMAKING:

The State Board of Education (SBE) is required to adopt rules relating to specified aspects of charter school administration and the disposal of real property by a district school board. The bill modifies provisions of law already under the SBE's rulemaking authority, thus allowing the SBE to make rules to implement the bill.

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

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Charter Schools](#)

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor.³ This performance contract is known as a "charter."⁴ The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.⁵ One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."⁶

Charter schools are exempt from a number of Florida's Early Learning-20 Education Code statutes,⁷ except for statutes that pertain specifically to charter schools.⁸ Statutory provisions that expressly include charter schools within their scope include statutes pertaining to student assessment and school grading; the provision of services to students with disabilities; civil rights; student health, safety and welfare; secondary school start times, public records, public meetings and public inspection; criminal and civil penalties and provisions relating to educator compensation, contracts and the substantive requirements relating to performance evaluations.⁹ Additionally, charter schools must be in compliance with statutes relating to school safety, including safe-school officers; school safety plans, tools, and reporting; school personnel training on youth mental health; and reporting of involuntary examinations.¹⁰

Like traditional public schools, charter school operations are funded through the Florida Education Finance Program (FEFP) and charter schools may not charge tuition.¹¹ Charter school students must participate in Florida's coordinated screening and progress monitoring system and statewide assessments, and charter schools receive an annual school grade.¹² Teachers employed by or under contract with a charter school must be certified like those in traditional public schools.¹³

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 Florida law.¹⁴ The school must be organized as a nonprofit organization, and may be operated by a municipality, a public entity authorized under the law, or a nonprofit organization.¹⁵ While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.¹⁶

³ Section [1002.33\(1\), \(7\), and \(9\)\(a\), F.S.](#)

⁴ Section [1002.33\(7\) and \(9\)\(c\), F.S.](#)

⁵ Section [1002.33\(2\)\(b\)3. and \(16\), F.S.](#)

⁶ Section [1002.33\(2\)\(a\)1., F.S.](#)

⁷ Chapters 1000 through 1013, F.S., comprise the Florida Early Learning-20 Education Code. See s. [1000.01\(1\), F.S.](#)

⁸ Section [1002.33\(16\), F.S.](#)

⁹ *Id.*

¹⁰ Section [1002.33\(16\)\(b\)8.-15., F.S.](#)

¹¹ Section [1002.33\(9\)\(d\) and \(17\), F.S.](#)

¹² Section [1002.33\(16\)\(a\)2., F.S.](#); see also ss. [1008.25\(9\), F.S.](#) [1008.22, F.S.](#) and [1008.34, F.S.](#)

¹³ Section [1002.33\(12\)\(f\), F.S.](#)

¹⁴ Section [1002.33\(3\)\(a\), F.S.](#); see also r. 6A-6.0786, F.A.C. and Florida Department of Education, Charter Schools, *Model Application Forms, Statutes, Rules & Model Forms* (last visited Mar. 24, 2025).

¹⁵ Section [1002.33\(12\)\(i\), F.S.](#)

¹⁶ *Id.*

[Charter School Governance](#)

In Florida, several types of entities may sponsor charter schools:

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.¹⁷
- State universities may sponsor charter lab schools.¹⁸
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.¹⁹

A sponsor's responsibilities include:

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.²⁰

A sponsor must provide various administrative services to sponsored charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student education program administration, eligibility determination and reporting for the National School Lunch Program, assessment test administration, processing of teacher certification data, and student information services.²¹

Each charter school must have a governing board. The board is responsible for:²²

- negotiating the school's charter agreement with its sponsor;
- exercising continuing oversight over the school's operations;
- adopting and maintaining an annual operating budget;
- ensuring that annual audits are conducted;
- submitting monthly financial statements to the sponsor and implementing corrective actions to remedy financial instability;
- submitting the school's annual progress report to the sponsor; and
- adopting policies which establish standards of ethical conduct for educational support employees, instructional personnel, and school administrators.

The duties assigned to a district school superintendent apply to charter school administrative personnel and the charter school governing board must designate at least one administrative person to be responsible for such duties. The duties assigned to a district school board apply to a charter school governing board.²³ These duties include requirements for compensation and salary schedules, workforce reductions, contracts with instructional personnel, and performance evaluations.²⁴

Instructional and noninstructional personnel who are hired or contracted to fill positions in a charter school and members of the governing board of a charter school, upon employment, engagement of services, or appointment, are required to undergo background screening as required by state statute.²⁵

An employee of a charter school or charter management organization and their spouses are prohibited from being a member of the governing board of a charter school.²⁶ Governing board members for charter schools, including

¹⁷ Section [1002.33\(5\)\(a\)1. and 3., F.S.](#)

¹⁸ Sections [1002.32\(2\)](#) and [1002.33\(5\)\(a\)2., F.S.](#)

¹⁹ Section [1002.34\(3\)\(a\)-\(b\), F.S.](#)

²⁰ Section [1002.33\(5\)\(b\), F.S.](#)

²¹ Section [1002.33\(20\)\(a\)1., F.S.](#) A sponsor must provide training to charter schools on any systems the sponsor requires the school to use. [S. 1002.33\(20\)\(a\)2., F.S.](#)

²² Section [1002.33\(7\), \(9\)\(g\)-\(k\), and \(12\)\(g\)3., F.S.](#)

²³ Section [1002.33\(16\)\(c\), F.S.](#)

²⁴ Section [1002.33\(16\)\(b\)4.-7., F.S.](#)

²⁵ Sections [1002.33\(12\)\(g\)1.](#) and [1012.32\(2\)\(b\)1., F.S.](#)

schools operated by private entities, are subject to the same requirements that apply to public employees for the solicitation and acceptance of gifts, business transactions, conflicting employment or contractual relationships, and voting conflicts.²⁷ Board members who violate any of these provisions are subject to various penalties, including fines; impeachment, removal, or suspension from office for officers; dismissal from employment; and reduction in, or forfeiture of, salary.²⁸

Charter School Enrollment

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.²⁹ A parent whose child is not subject to a current expulsion or suspension order may seek enrollment in, and transport his or her child to any public school in the state, including a charter school, which has not reached capacity.³⁰ The charter school governing board shall determine capacity based upon its contract³¹ and capacity determinations for the school, by grade level, must be updated every 12 weeks and be identified on the school website.³²

The charter for a school is required to address admissions and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance, except in certain circumstances when standards are in accordance with current state law and practice in public schools.³³ 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.³⁴ Enrollment preference may be given to:³⁵

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

Additionally, a charter school-in-the-workplace may give enrollment preference to children whose parents are employees of the school's business partner or whose parents are residents of the municipality in which the school is located.³⁶ A charter school-in-a-municipality may also give enrollment preference to children whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.³⁷

²⁶ Section [1002.33\(26\)\(c\), F.S.](#)

²⁷ Section [1002.33\(26\)\(a\)-\(b\), F.S.](#) A board member, like public employees or officers, may seek a waiver from the governing board after providing full disclosure of a transaction or relationship, from the provisions for business transactions and conflicts of interest. S. [112.313\(12\), F.S.](#)

²⁸ Section [112.317, F.S.](#)

²⁹ Section [1002.33\(10\)\(a\), F.S.](#) A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an "affiliated charter school." However, a charter school may use a weighted lottery under certain prescribed circumstances. See 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). See also U.S. Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter- ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

³⁰ Section [1002.31\(2\)\(a\), F.S.](#)

³¹ Section [1002.31\(2\)\(b\), F.S.](#) Generally, the student capacity of a charter school is annually determined by the governing board, in conjunction with the sponsor. S. [1002.33\(10\)\(h\), F.S.](#)

³² *Id.*

³³ Section [1002.33\(7\)\(a\)7., F.S.](#); see s. [1002.33\(10\)\(e\)5., F.S.](#)

³⁴ Section [1002.33\(10\)\(b\), F.S.](#)

³⁵ Section [1002.33\(10\)\(d\)1.-3. and 5.-9., F.S.](#)

³⁶ Section [1002.33\(10\)\(d\)4.a., F.S.](#)

³⁷ Section [1002.33\(10\)\(d\)4.b., F.S.](#)

High-Performing Charter Schools

A high-performing charter school is a school that has met the following criteria:³⁸

- Received at least two school grades of "A" and no school grade below "B" for the last 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years; or
- During its first 3 years of operation, received funding through the National Fund of the Charter School Growth Fund and received no school grade below "C" for the last 3 school years.

In addition, a high-performing charter school:

- Received an unqualified opinion on each annual audit in the most recent 3 years for which such audits are available.
- Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in statute,³⁹ in the most recent 3 fiscal years for which audits are available. (For purposes of determining initial eligibility, this requirement only applies for the most recent two fiscal years if the charter school earns two consecutive grades of "A.")

A high-performing charter school is authorized to:⁴⁰

- Increase its student enrollment once per school year to more than the capacity identified in the charter, not to exceed the capacity of the facility at the time the enrollment increase will take place.
- Expand grade levels within kindergarten through grade 12 to add grade levels not already served, as long as any associated enrollment increase does not exceed facility capacity.
- Submit a quarterly, rather than monthly, financial statement to the sponsor.
- Consolidate the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board under a single charter, regardless of the renewal cycle.
- Receive a modification of its charter to a term of 15 years or a 15-year charter renewal.
- Submit an application in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program. If the sponsor fails to act on the application within 90 days, the application is deemed approved.

Charter School Improvement

Charter schools that earn a school grade of "D" or "F" must develop a school improvement plan to raise student performance, which must be approved by the sponsor.⁴¹ Corrective actions are required for charter schools earning three consecutive grades below a "C". Such a charter school may choose to:

- contract for educational services to be provided directly to students, instructional personnel, and school administrators;
- contract with an outside entity with a track record of effectiveness to operate the school;
- hire a new director or principal who has authority to hire new staff; or
- voluntarily close the school.⁴²

The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C".⁴³ Corrective actions are no longer required if the charter school improves to a "C" or higher; however, the school must continue to implement its school improvement plan.⁴⁴ If a charter school does not improve to a "C" or higher after two full school years of implementing a corrective action, the school must choose another corrective action.⁴⁵

³⁸ Section [1002.331\(1\), F.S.](#)

³⁹ Section [218.503, F.S.](#)

⁴⁰ Section [1002.331\(2\)-\(3\), F.S.](#)

⁴¹ Section [1002.33\(9\)\(n\)1, F.S.](#)

⁴² Section [1002.33\(9\)\(n\)2.a.\(I\)-\(IV\), F.S.](#)

⁴³ Section [1002.33\(9\)\(n\)2.b., F.S.](#)

⁴⁴ Section [1002.33\(9\)\(n\)2.d., F.S.](#)

⁴⁵ Section [1002.33\(9\)\(n\)2.e., F.S.](#) Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action. The sponsor may waive corrective actions if it determines that the charter school is likely to improve its grade if additional time is given to implement the school improvement plan. The sponsor may also extend the implementation period for a corrective action based upon a similar standard. The sponsor may not waive

The sponsor must terminate a charter school that earns two consecutive grades of “F,” unless the charter school qualifies for an exception.⁴⁶ A sponsor may terminate a charter school at any time; however, this discretionary authority does not extend to charter schools that meet an exception to mandatory termination.⁴⁷

The director and a representative of a charter school required to implement a school improvement plan or corrective action must annually appear before the sponsor to report the progress of the corrective strategies being implemented by the school.⁴⁸

Charter School Facilities

Under current law, a facility that houses a charter school is exempt from ad valorem taxation.⁴⁹ Any library, community service, museum, performing arts, theatre, cinema, or church facility; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or a licensed child care facility may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.⁵⁰ Charter schools are also exempt from assessments of fees for building permits, building and occupational licenses, impact fees or exactions,⁵¹ service availability fees, and assessments for special benefits.⁵² A charter school is not subject to any land use regulations requiring a change to a local government comprehensive plan, a development order or development permit, that would not be required for a public school at the same location.⁵³

Real Property

Statute defines “real property” as land, buildings, fixtures, and all other improvements to land. The terms “land,” “real estate,” “realty,” and “real property” may be used interchangeably.⁵⁴

Subject to SBE rules, a district school board may dispose of any land or real property to which the board holds title which is, by resolution of the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A district school board is required to take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained prior to or simultaneously with the receipt of bids.⁵⁵

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2022	CS/CS/SB 758	Rizo	Diaz	Took effect on July 1, 2022.

or extend corrective actions if the charter school earns a second consecutive grade of “F” while in corrective action. Unless an exception applies, such a charter school must be terminated by the sponsor. Section [1002.33\(9\)\(n\)3., F.S.](#)

⁴⁶ Section [1002.33\(9\)\(n\)3., F.S.](#)

⁴⁷ Section [1002.33\(9\)\(n\)5., F.S.](#)

⁴⁸ Section [1002.33\(9\)\(n\)4., F.S.](#)

⁴⁹ Section [1002.33\(18\)\(c\), F.S.](#)

⁵⁰ *Id.*

⁵¹ Impact fees and exactions are used by local governments to control development and offset the impact of growth on local infrastructure and services. Unless superseded by constitutional or statutory provisions, local governments have broad authority to impose impact fees or exactions on development. Sections 1(f)-(g) and 2(b), Art. VIII of the State Constitution; [s. 125.01\(1\) and \(3\), F.S.](#); [s. 166.021\(1\)-\(4\), F.S.](#); *Hollywood, Inc. v. Broward Cnty, Fla.*, 431 So.2d 606, 609-610 (4th DCA. 1983) (holding that Florida counties have implicit authority to impose impact fees or exactions on development so long as such fee or exaction is not inconsistent with general law and is rationally related to the need for additional infrastructure or services caused by the development).

⁵² Section [1002.33\(18\)\(d\), F.S.](#)

⁵³ Section [1002.33\(18\)\(a\), F.S.](#)

⁵⁴ Section [192.001, F.S.](#)

⁵⁵ Section [1013.28\(1\)\(a\), F.S.](#)

OTHER RESOURCES:[Charter School Background](#)- Education & Employment Committee Fact Sheet[Charter School Performance and Fiscal Accountability](#)- Education & Employment Fact Sheet**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Education Administration Subcommittee	13 Y, 4 N, As CS	3/27/2025	Sleap	Blalock
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Authorizes a charter school that is not on a school improvement plan or corrective action plan to increase its enrollment above the capacity identified in its charter as long as it does not exceed the capacity of the facility at the time the enrollment increase will take effect and notifies its sponsor in writing by March 1 for the following school year, including the amount of the enrollment increase. • Removes a prohibition on a charter school sponsor requiring documentation of facility capacity earlier than 15 days before the first day of school. • Removes authorization for a charter school to assign its charter to the governing board of another charter school if the governing board is a nonprofit entity or otherwise meets statutory requirements. • Requires that if a high-performing charter school is to assume the charter of an existing charter school within the same school district, the request must be initiated by a school in a written format to the high-performing charter school. • Restores current law regarding background screening for charter school employees and governing board members and requirements for standards of conduct and financial disclosure for charter school governing board members. • Revises the requirements for a charter school sponsor and the Department of Education to provide student data to a charter school and its contractor. • Requires that the right of first refusal period for a charter school to submit a formal offer when a school district seeks to dispose of any real property is 60 days commencing on the date the publicly noticed agenda item is heard at a school board meeting. • Requires that a charter school's formal offer for school district real property must include certain information and the district school board must engage in good-faith negotiations with any charter school that submits an offer. 			
PreK-12 Budget Subcommittee				
Education & Employment Committee				

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