



Choice & Innovation Subcommittee

**January 18, 2024, 9:00AM
Reed Hall (102 HOB)**

Meeting Packet

**Paul Renner
Speaker**

**Alex Rizo
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Choice & Innovation Subcommittee

Start Date and Time: Thursday, January 18, 2024 09:00 am

End Date and Time: Thursday, January 18, 2024 12:00 pm

Location: Reed Hall (102 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 109 Conversion Charter Schools by Andrade

HB 523 Florida Seal of Fine Arts Program by Canady

HB 553 Career-themed Courses by Dunkley

HB 883 Short-acting Bronchodilator Use in Public and Private Schools by Koster

HB 7025 Education by Education Quality Subcommittee, Trabulsy

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/16/2024 4:16PM by Vernon.Andrea

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 109 Conversion Charter Schools

SPONSOR(S): Andrade

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 246

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Blalock	Sleap
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

Conversion charter schools are traditional public schools that have been converted to charter schools. The school must have operated for at least two years as a traditional public school, including a school-within-a-school, before submitting an application to convert to charter status. An application for a conversion charter school may be made by the district school board, the principal, teachers, parents, and/or the school advisory council. The application must demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process.

The bill authorizes a municipality to submit an application to convert to charter status any or all of the public schools within the municipality's jurisdictional boundary as part of a single application for approval.

The bill removes the requirement that a conversion charter school application must demonstrate the support of at least 50 percent of the teachers employed at the school.

The bill authorizes the Charter School Review Commission (CSRC) to solicit and review applications for conversion charter schools. Similar to a district school board, if the CSRC denies an application for a conversion charter school, the bill requires the CSRC to provide written notice of the denial, including specific reasons and supporting documentation, to the applicants within ten days after the meeting at which the application was denied.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Charter Schools

All charter schools in Florida are tuition-free public schools within the state's public education system.¹ Charter schools are nonsectarian and operate under a performance contract with a sponsor.² This performance contract is known as a "charter."³ The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.⁴ 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."⁵

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

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.⁶
- State universities may sponsor charter lab schools.⁷
- School districts, FCS institutions, or a consortium of one or more of each may sponsor a charter technical career center.⁸

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.⁹ The school must be organized as, or be operated by, a nonprofit organization, municipality, or other public entity authorized under the law.¹⁰ While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.¹¹

During the 2022-23 school year, over 382,367 students were enrolled in 726 charter schools in 46 of Florida's 67 school districts.¹²

Conversion Charter Schools

Conversion charter schools are traditional public schools that have been converted to charter schools.¹³ The school must have operated for at least two years as a traditional public school, including a school-within-a-school, before submitting an application to convert to charter status. An application for a conversion charter school may be made by the district school board, the principal, teachers, parents, and/or the school advisory council.

¹ Section 1002.33(1), F.S. Florida's first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at s. 228.056, F.S., re-designated in 2002 as s. 1002.33, F.S.*

² Section 1002.33(1), (7), and (9)(a), F.S.

³ Section 1002.33(7) and (9)(c), F.S.

⁴ Section 1002.33(2)(b)3. and (16), F.S.

⁵ Section 1002.33(2)(a)1., F.S.

⁶ Section 1002.33(5)(a)1.-3., F.S.; In 2021, the Legislature authorized Florida's state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the Department of Education. A state university or FCS institution may, at its discretion, deny an application for a charter school. S. 1002.33(5)(a)3.c., F.S.

⁷ Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

⁸ Section 1002.34(3)(a)-(b), F.S.

⁹ Section 1002.33(3)(a), F.S.

¹⁰ Section 1002.33(12)(i), F.S.

¹¹ *Id.*

¹² Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet: Florida's Charter Schools* (Oct. 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

¹³ Section 1002.33(3)(b), F.S.

In 2013, in response to an inquiry from the Town Council of the Town of White Springs, Florida, the Attorney General issued an opinion that while a municipality may apply for a new charter school, as specified in state statute, a municipality may not apply for a conversion charter school, since municipalities are not among those specifically authorized to do so in statute.¹⁴

An application submitted proposing to convert an existing public school to a charter school must demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education (SBE).¹⁵ To initiate a ballot process, the applicant may submit a request in writing to the school administrator to conduct a vote for conversion, and the administrator must complete the ballot process within 60 days of receipt of the written request. Written notification of a ballot must be provided to teachers and parents at least 30 days prior to conducting the ballot and only one vote per calendar year may be held. For parent voting, each household receives one ballot regardless of the number of students residing in the household. If a student has two households, the household of the enrolling parent will receive the ballot.¹⁶ If a majority of teachers employed at the school and a majority of voting parents support the charter proposal, the conversion charter application must be submitted during the same calendar year the vote is held. If a district school board denies an application for a conversion charter school, it must provide written notice of the denial, including specific reasons and supporting documentation, to the applicants within ten days after the meeting at which the application was denied.¹⁷

The charter for a conversion charter school must identify the alternative arrangements that will be used for current students who choose not to attend the charter school and current teachers who choose not to teach in the charter school after it is converted.¹⁸ Upon conversion, the school must give an enrollment preference to students who would otherwise be assigned to the school. The district school board must consult and negotiate with the conversion charter school every three years to determine whether realignment of the conversion charter school's attendance zone is appropriate in order to ensure that students residing closest to the charter school are provided with an enrollment preference.¹⁹ The employees of a conversion charter school remain public employees for all purposes, unless they choose otherwise.²⁰

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.²¹ A conversion charter school is not eligible for charter school capital outlay funding if it operates in facilities provided by its sponsor for a nominal fee or at no charge, or if it is directly or indirectly operated by the school district.²²

During the 2022-2023 school year, 23 conversion charter schools operated in Florida, representing approximately 3 percent of the total number of charter schools in the state.²³

¹⁴ Op. Att'y Gen. Fla. 13-06 (2013).; *see ss.* 1002.33(3)(a)-(b), F.S.

¹⁵ *Id.*

¹⁶ *Id.*; *see rule* 6A-6.0787, F.A.C.

¹⁷ Section 1002.33(3)(b), F.S.

¹⁸ Section 1002.33(7)(a)17., F.S. Alternative arrangements for current teachers who choose not to teach in the charter school after conversion are made in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement.

¹⁹ Section 1002.33(10)(c), F.S.

²⁰ Section 1002.33(12)(c), F.S.; *see s.* 1002.33(12)(d), F.S.

²¹ Section 1002.33((18)(e), F.S.

²² Section 1013.62(1)(b), F.S.

²³ Email, Florida Department of Education, Legislative Affairs (Dec. 14, 2023). Out of 726 currently active charters in the state, 23 are conversion charter schools.

In 2022, the Legislature established the Charter School Review Commission (CSRC) within Florida's Department of Education (DOE), subject to an appropriation, to assist in the review and approval of charter school applications.²⁴ The CSRC consists of seven members who have charter school experience, selected by the SBE and subject to confirmation by the Senate.²⁵ The CSRC is authorized to solicit and review charter school applications. Upon the CSRC approving an application, the district school board that oversees the school district in which the charter school will be located must serve as its sponsor.²⁶

The DOE must contract with a college or university to provide administrative and technical assistance to the CSRC by reviewing and providing an analysis of charter school applications submitted to the CSRC.²⁷ To have an application considered during a meeting of the CSRC, an applicant must submit a completed application to the entity selected by the DOE at least 90 days prior to the date the CSRC is scheduled to meet, as well as a Standard Letter of Intent for Commission Review.²⁸ Within three calendar days after an applicant submits an application, the applicant must also provide a copy of the application to the school district in which the proposed charter school will be located.²⁹

Within 30 calendar days after receiving a copy of the application, the school district may provide input to the entity selected by the DOE. The input from the district must be considered in reviewing the application. The entity must complete its application review and submit its recommendation to the CSRC no later than 30 days prior to the scheduled meeting of the CSRC at which the application will be considered and voted upon. After reviewing the application, the relevant documents, the recommendations of the DOE and the designated entity, and considering the information presented at the meeting, the Commission must then proceed by majority vote to either approve or deny the charter school application.³⁰ If the application is denied, the applicant may appeal the CSRC's decision to the SBE within 30 calendar days after written notification of the decision.³¹

The school board of the district in which the proposed charter school will be located is considered the sponsor for the new charter school and must provide an initial proposed charter contract to the school within 30 calendar days after the CSRC's decision to grant approval.³²

Effect of Proposed Changes

The bill authorizes a municipality to make an application for a conversion charter school. The application may be submitted for conversion for any or all of the public schools within the municipality's jurisdictional boundary as part of a single application for approval.

The bill removes the requirement that a conversion charter school application must demonstrate the support of at least 50 percent of the teachers employed at the school. The requirement to demonstrate the support of at least 50 percent of the parents voting whose children are enrolled at the school, with a majority of the parents eligible to vote participating in the ballot process, is still in effect.

The bill authorizes the CSRC to solicit and review applications for conversion charter schools. Similar to a district school board, if the CSRC denies an application for a conversion charter school, the bill

²⁴ Section 2, ch. 2022-144, L.O.F., *codified at* s. 1002.3301, F.S. For Fiscal Year 2023-2024, the CSRC received an appropriation of \$455,000 under Specific Appropriation 134, Contracted Services. *see* s. 2, ch. 2023-239, L.O.F.

²⁵ Section 1002.3301(1), F.S. *see* State Board of Education, *Selection of Members to the Charter School Review Commission* (Oct. 18, 2023), available at <https://www.fldoe.org/core/fileparse.php/20680/urlt/20-1.pdf>.

²⁶ Sections 1002.33(5)(a)3.d. and 1002.3301(2) and (4), F.S.

²⁷ Section 1002.3301(3), F.S.; *see* rule 6A-6.0792, F.A.C.

²⁸ Rule 6A-6.0792, F.A.C. The Standard Letter of Intent for Commission Review may be obtained electronically on the DOE's website at <http://www.floridaschoolchoice.org>.

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 1002.3301(6), F.S.; *see* s. 1002.33(6)(c), F.S. and rule 6A-6.0792, F.A.C.

³² Section 1002.3301(4), F.S.; *see* s. 1002.33(7)(b), F.S. and rule 6A-6.0792, F.A.C.

requires the CSRC to provide written notice of the denial, including specific reasons and supporting documentation, to the applicants within ten days after the meeting at which the application was denied.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.33, F.S., revising the requirements for an application for a conversion charter school; authorizing municipalities to apply for the conversion of specified public schools to charter schools; authorizing the Charter School Review Commission to solicit and review applications for conversion charter schools.

Section 2: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide any additional rulemaking authority, however, rules adopted under existing authority will need to be amended to conform with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

26 | to charter status. An application submitted proposing to convert
 27 | an existing public school to a charter school shall demonstrate
 28 | the support of at least ~~50 percent of the teachers employed at~~
 29 | ~~the school and~~ 50 percent of the parents voting whose children
 30 | are enrolled at the school, provided that a majority of the
 31 | parents eligible to vote participate in the ballot process,
 32 | according to rules adopted by the State Board of Education. The
 33 | Charter School Review Commission or a district school board
 34 | denying an application for a conversion charter school shall
 35 | provide notice of denial to the applicants in writing within 10
 36 | days after the meeting at which the commission or district
 37 | school board denied the application. The notice must articulate
 38 | in writing the specific reasons for denial and must provide
 39 | documentation supporting those reasons. A private school,
 40 | parochial school, or home education program shall not be
 41 | eligible for charter school status.

42 | (c) A municipality may submit an application for
 43 | conversion for any or all of the public schools within its
 44 | jurisdictional boundary as part of a single application for
 45 | approval.

46 | (5) SPONSOR; DUTIES.—

47 | (a) Sponsoring entities.—

48 | 1. A district school board may sponsor a charter school in
 49 | the county over which the district school board has
 50 | jurisdiction.

51 2. A state university may grant a charter to a lab school
52 created under s. 1002.32 and shall be considered to be the
53 school's sponsor. Such school shall be considered a charter lab
54 school.

55 3. Because needs relating to educational capacity,
56 workforce qualifications, and career education opportunities are
57 constantly changing and extend beyond school district
58 boundaries:

59 a. A state university may, upon approval by the Department
60 of Education, solicit applications and sponsor a charter school
61 to meet regional education or workforce demands by serving
62 students from multiple school districts.

63 b. A Florida College System institution may, upon approval
64 by the Department of Education, solicit applications and sponsor
65 a charter school in any county within its service area to meet
66 workforce demands and may offer postsecondary programs leading
67 to industry certifications to eligible charter school students.
68 A charter school established under subparagraph (b)4. may not be
69 sponsored by a Florida College System institution until its
70 existing charter with the school district expires as provided
71 under subsection (7).

72 c. Notwithstanding paragraph (6)(b), a state university or
73 Florida College System institution may, at its discretion, deny
74 an application for a charter school.

75 d. The Charter School Review Commission, as authorized

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76 | under s. 1002.3301, may solicit and review applications for
77 | conversion charter schools and charter schools overseen by
78 | district school boards and, upon the commission approving an
79 | application, the district school board that oversees the school
80 | district in which the charter school will be located shall serve
81 | as sponsor.

82 | Section 2. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Choice & Innovation Subcommittee

Representative Andrade offered the following:

Amendment (with directory and title amendments)

Between lines 81 and 82, insert:

(18) FACILITIES.—

(e) In order to preserve the availability of scarce vacant land for educational purposes, the Department of Education and the Department of Management Services shall designate vacant school district real property as surplus if such school district has experienced a decline in student enrollment of 1 percent or more for at least 2 consecutive years. Upon the designation of such real property as surplus, the school district must make such real property available to approved charter schools and charter school governing boards within the school district. The

Amendment No. 1

17 school district shall transfer the control and operation of such
18 real property to the charter school or charter school governing
19 board without charging the charter school any rental, leasing,
20 or other usage fees. If a charter school or charter school
21 governing board within the school district does not request the
22 use of the surplus real property within 6 months after such real
23 property is designated as surplus by the Department of Education
24 and the Department of Management Services, the real property
25 shall be made available for affordable housing within the county
26 pursuant to s. 1001.43(12). ~~If a district school board facility~~
27 ~~or property is available because it is surplus, marked for~~
28 ~~disposal, or otherwise unused, it shall be provided for a~~
29 ~~charter school's use on the same basis as it is made available~~
30 ~~to other public schools in the district.~~ A charter school
31 receiving surplus real property pursuant to this subsection
32 ~~property from the sponsor~~ may not sell or dispose of such
33 property without written permission of the sponsor. Similarly,
34 for an existing public school converting to charter status, no
35 rental or leasing fee for the existing facility or for the
36 property normally inventoried to the conversion school may be
37 charged by the district school board to the parents and teachers
38 organizing the charter school. The charter school shall agree to
39 reasonable maintenance provisions in order to maintain the
40 facility in a manner similar to district school board standards.
41 The Public Education Capital Outlay maintenance funds or any

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42 other maintenance funds generated by the facility operated as a
43 conversion school shall remain with the conversion school.

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D I R E C T O R Y A M E N D M E N T

47

Remove line 15 and insert:

48

subsection (3), paragraph (a) of subsection (5), and paragraph

49

(e) of subsection (18) of that

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51

52

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

53

Remove lines 2-9 and insert:

54

An act relating to charter schools; amending s.

55

1002.33, F.S.; revising the requirements for an

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application for a conversion charter school;

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authorizing municipalities to apply for the conversion

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of specified public schools to charter schools;

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authorizing the Charter School Review Commission to

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solicit and review applications for conversion charter

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schools; requiring certain school district real

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property to be designated as surplus by the Department

63

of Education and Department of Management Services;

64

requiring such surplus real property to be available

65

to certain charter schools and governing boards;

66

providing requirements for the transfer of such real

Amendment No. 1

67 | property; requiring such real property to be made
68 | available for affordable housing under certain
69 | circumstances; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 523 Florida Seal of Fine Arts Program

SPONSOR(S): Canady

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 694

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Blalock	Sleap
2) Education & Employment Committee			

SUMMARY ANALYSIS

The bill establishes the Florida Seal of Fine Arts Program to recognize high school graduates who have met exemplary benchmarks in fine arts coursework. The bill specifies that beginning in the 2024-2025 school year, the Seal of Fine Arts must be awarded to a high school student who has earned a standard high school diploma and successfully completed at least three year-long courses or earned three sequential course credits in dance, music, theatre, or the visual arts with a grade of "A" or higher in each course and meets a minimum of two of the following requirements:

- successfully completes a fine arts International Baccalaureate, Advanced Placement, dual enrollment, or honors course in dance, music, theatre, or the visual arts with a grade of "B" or higher;
- participates in a district or statewide organization's juried event as a selected student participant for two or more years;
- records at least 25 volunteer hours of arts-related community service and presents a comprehensive presentation on his or her experiences;
- meets the requirements of a portfolio-based program identifying the student as an exemplary practitioner of the fine arts; or
- receives district, state, or national recognition for the creation and submission of an original work of art.

The bill authorizes the State Board of Education (SBE) to establish additional criteria for the award of the Seal of Fine Arts and requires the SBE to adopt rules to administer the program. The bill also specifies requirements for the Commissioner of Education and school districts to implement the program.

The bill has an indeterminate fiscal impact. See Fiscal Analysis.

The bill takes effect July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Art education refers to learning, instruction, and programming based upon the visual and tangible arts. Art education includes performing arts like dance, music, and theatre and visual arts like drawing, painting, sculpture, and design works. Design works include design in jewelry, pottery, weaving, and fabrics. Art education can also include photography, video, film, and graphic design. Art education is provided through a standards-based, sequential approach by a qualified instructor.¹

Present Situation

The Arts Industry

In 2022, nonprofit arts and culture organizations and their audiences generated \$151.7 billion in economic activity nationally, made up of \$73.3 billion in spending by the organizations and \$78.4 billion in event-related spending by their audiences. This economic activity supported 2.6 million jobs, generated \$29.1 billion in tax revenue, and provided \$101 billion in personal income.²

In fiscal year 2022, Florida's nonprofit arts and culture industry generated \$5.8 billion of economic activity. This includes \$2.9 billion by nonprofit arts and culture organizations and an additional \$2.9 billion in event-related spending by their audiences. This economic activity supports 91,270 full-time jobs, generates \$3.8 billion in resident household income, and delivers \$694.7 million in local and state government revenue.³

The Arts and Florida Students

Florida brings the arts to students in a variety of ways; from promoting nationally recognized Arts Education Month⁴ to enacting arts-related legislation such as:

- requiring each school board to provide courses and instruction in the arts for all students, and requiring students to take one credit in fine or performing arts, speech and debate, or career and technical education.⁵
- establishing the annual Art in the Capitol Competition as a statewide visual arts competition for all public, private, and home education students in grades 6 through 8.⁶
- requiring the Commissioner of Education (commissioner) to annually prepare and post a fine arts report that includes:
 - students access to and participation in fine arts courses, including visual arts, music, dance, and theatre courses;
 - the number and certification status of educators providing instruction in fine arts courses;
 - educational facilities designed and classroom space equipped for fine arts instruction; and

¹ US Legal, *Art Education Law and Legal Definition*, <https://definitions.uslegal.com/a/art-education/> (last visited Jan. 8, 2024).

² Americans for the Arts, *Arts and Economic Prosperity 6* (2023), available at https://aep6.americansforthearts.org/resources/media/user/1696872109-Arts_EconomicProsperity6_brochure_web.pdf.

³ Americans for the Arts, *State of Florida Arts & Economic Prosperity One-Page Summary*, https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffiles.floridados.gov%2Fmedia%2F707193%2Ffl_stateofflorida_aep6_onepagesummaryoffindings-ss-edits.docx&wdOrigin=BROWSELINK (last visited Jan. 8, 2024).

⁴ Florida Department of Education (DOE), Memorandum, *Arts Education Month* (2023), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-9800/dps-2023-17.pdf>.

⁵ See ss. 1003.42(1) and 1003.4282(3)(e), F.S. A practical arts course identified in the Course Code Directory that incorporates artistic content and techniques of creativity, interpretation, and imagination satisfies the required one credit in fine or performing arts.

⁶ Section 1003.49965(1) and (2), F.S.

- the manner in which schools are providing the core curricular content for fine arts established in the state academic standards.⁷

During the 2021-2022 school year, as included in the fine arts report, all school districts offered courses and 1.7 million or 61 percent of students enrolled in fine arts courses, with:

- Music comprising 47 percent of overall arts enrollment;
- Visual arts comprising 47 percent of overall arts enrollment;
- Theatre comprising 4 percent of overall arts enrollment; and
- Dance comprising 2 percent of overall arts enrollment.⁸

Diploma Designations and Seals

Students meeting specific requirements for graduation and demonstrating exemplary performance may be awarded recognition upon graduation. One way this is accomplished is through special diploma designations and seal programs. Florida currently offers three diploma recognitions: Scholar Designation;⁹ Industry Scholar Designation;¹⁰ and the Seal of Biliteracy.¹¹

Scholar Diploma Designation

In addition to meeting the 24-credit standard high school diploma requirements,¹² a student must meet all of the following requirements to earn the Scholar Diploma Designation:

- Mathematics
 - Earn one credit in Algebra 2 and statistics, or equally rigorous courses.
 - Pass the Geometry end of course (EOC) assessment.
- Science
 - Pass the Biology 1 EOC or earn the minimum score necessary to earn college credit on the respective Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) assessment for a Biology course.
 - Earn one credit in Chemistry or Physics.
 - Earn one credit in a course equally rigorous to Chemistry or Physics.
- Social Studies
 - Pass the U.S. History EOC or earn the minimum score necessary to earn college credit on the respective AP, IB, or AICE assessment for a course that includes United States History topics.
- Foreign Language
 - Earn two credits in the same foreign language.
- Electives
 - Earn at least one credit in an AP, IB, AICE, or a dual enrollment course.¹³

Industry Scholar Diploma Designation

In addition to meeting the 24-credit standard high school diploma requirements,¹⁴ a student must attain one or more industry certifications on the state's Master Credentials List¹⁵ to earn the Industry Scholar Diploma Designation.¹⁶

⁷ Section 1003.4995, F.S.

⁸ DOE, *2021-2022 Florida Fine Arts Report*, <https://www.fldoe.org/academics/standards/subject-areas/fine-arts/> (last visited Jan. 8, 2024).

⁹ Section 1003.4285(1)(a), F.S.

¹⁰ Section 1003.4285(1)(b), F.S.

¹¹ Section 1003.432, F.S.

¹² Section 1003.4282, F.S.

¹³ Section 1003.4285(1)(a)1.-5., F.S.

¹⁴ Section 1003.4282, F.S.

¹⁵ Section 445.004(4)(h), F.S. The Master Credentials List identifies nondegree credentials and degree programs for purposes of the CAPE Industry Certification funding list under s. 1008.44, F.S.

¹⁶ Section 1003.4285(1)(b), F.S.

Scholar Student Participation

During the 2021-2022 school year, 9,673 students earned the Scholar Diploma Designation, 22,759 students earned the Industry Scholar Diploma Designation, and 8,853 students earned both the Scholar and Industry Scholar Diploma Designation.¹⁷

Florida Seal of Biliteracy Program

The Florida Legislature authorized the Florida Seal of Biliteracy Program in 2016.¹⁸ The biliteracy program recognizes high school graduates who attain a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, and offers two seals: Gold and Silver.¹⁹

To earn the Gold or Silver Seal of Biliteracy, a high school student who has earned a standard high school diploma²⁰ must:²¹

- Earn four foreign language course credits in the same foreign language with a cumulative 3.0 GPA or higher on a 4.0 scale;
- Earn a qualifying score or performance level on a qualifying examination, with the Gold seal requiring higher qualifying scores; or
- For languages not tested on nationally recognized examinations, demonstrate language proficiency through a performance portfolio assessed at a State Board of Education (SBE) identified level based on American Council on the Teaching of Foreign Languages proficiency guidelines.

During the 2021-2022 school year, 5,845 students earned the Gold Seal of Biliteracy, 1,100 students earned the Silver Seal of Biliteracy, and 3,812 students earned both the Gold Seal and Silver Seal of Biliteracy.²²

Effect of Proposed Changes

The bill establishes the Florida Seal of Fine Arts Program within the Department of Education (DOE) to recognize high school graduates who have met exemplary benchmarks in fine arts coursework. The purpose of the program is to encourage students to develop expertise in the performing or visual arts.

The bill specifies that beginning in the 2024-2025 school year, the Seal of Fine Arts must be awarded to a high school student who has earned a standard high school diploma and successfully completed at least three year-long courses or earned three sequential course credits in dance, music, theatre, or the visual arts with a grade of “A” or higher in each course and meets a minimum of two of the following requirements:

- successfully completes a fine arts IB, AP, dual enrollment, or honors course in dance, music, theatre, or the visual arts with a grade of “B” or higher;
- participates in a district or statewide organization’s juried event as a selected student participant for two or more years;
- records at least 25 volunteer hours of arts-related community service and presents a comprehensive presentation on his or her experiences;
- meets the requirements of a portfolio-based program identifying the student as an exemplary practitioner of the fine arts; or
- receives district, state, or national recognition for the creation and submission of an original work of art, which is defined as a musical or theatrical composition, visual artwork, or choreographed routine or performance.

¹⁷ Email, DOE, Office of Legislative Affairs (Jan. 8, 2024). On file with the House Education & Employment Committee.

¹⁸ Section 40, ch. 2016-237, *codified at* s. 1003.432, F.S.

¹⁹ Section 1003.432(1)-(2), F.S.

²⁰ Section 1003.4282, F.S.

²¹ Section 1003.432(4), F.S. and Rule 6A-1.09951, F.A.C.

²² Email, DOE, Office of Legislative Affairs (Jan. 8, 2024). On file with the House Education & Employment Committee.

The bill requires the SBE to adopt rules to administer the program, including a process to confirm a student's successful completion of the requirements and any additional requirements, as established by the SBE, a student must meet to be awarded the Seal of Fine Arts.

The bill also specifies requirements for the commissioner and school districts to implement the program. The commissioner must prepare for and provide to each school district an appropriate Seal of Fine Arts to be affixed to a student's diploma and provide appropriate benchmarks in rubric form for a school district to successfully implement the program.

Each school district must maintain appropriate records to identify students who have earned a Seal of Fine Arts, provide the commissioner with the number of students who have met the requirements to receive a seal, and affix the appropriate insignia to the student's diploma and indicate on the student's transcript that he or she has earned a Seal of Fine Arts.

The bill specifies that neither the school district nor the DOE may charge a fee for a Seal of Fine Arts.

B. SECTION DIRECTORY:

Section 1: Creates s. 1003.4321, F.S.; establishing the Florida Seal of Fine Arts Program within the DOE; providing the purpose of the program; specifying eligibility requirements for the seal; defining the term "work of art"; authorizing the SBE to adopt additional criteria for the award of a seal; requiring the commissioner and school districts to perform specified duties to administer the program; prohibiting a school district or the DOE from charging a fee for the seal; requiring the state board to adopt rules.

Section 2: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Education may incur costs associated with creating the seal for the program. Because the number of students who will qualify for a Seal of Fine Arts cannot be determined, the fiscal impact of the bill is indeterminate, but likely insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to administer the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to the Florida Seal of Fine Arts
 3 Program; creating s. 1003.4321, F.S.; establishing the
 4 Florida Seal of Fine Arts Program within the
 5 Department of Education; providing the purpose of the
 6 program; specifying eligibility requirements for the
 7 seal; defining the term "work of art"; authorizing the
 8 State Board of Education to adopt additional criteria
 9 for the award of a seal; requiring the Commissioner of
 10 Education and school districts to perform specified
 11 duties to administer the program; prohibiting a school
 12 district or the Department of Education from charging
 13 a fee for the seal; requiring the state board to adopt
 14 rules; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 1003.4321, Florida Statutes, is created
 19 to read:

20 1003.4321 Florida Seal of Fine Arts Program for high
 21 school graduates.-

22 (1) The Florida Seal of Fine Arts Program is established
 23 within the Department of Education to recognize high school
 24 graduates who have met exemplary benchmarks in fine arts
 25 coursework.

26 (2) The purpose of the Florida Seal of Fine Arts Program
27 is to encourage students to develop an exemplary level of
28 proficiency in the performing or visual arts.

29 (3)(a) Beginning with the 2024-2025 school year, the Seal
30 of Fine Arts shall be awarded to a high school student who has
31 earned a standard high school diploma; successfully completed at
32 least three year-long courses in dance, music, theatre, or the
33 visual arts with a grade of "A" or higher in each course or
34 earned three sequential course credits in such courses with a
35 grade of "A" or higher in each course; and meets a minimum of
36 two of the following requirements:

37 1. Successfully completes a fine arts International
38 Baccalaureate, advanced placement, dual enrollment, or honors
39 course in the subjects listed in this paragraph with a grade of
40 "B" or higher.

41 2. Participates in a district or statewide organization's
42 juried event as a selected student participant for 2 or more
43 years.

44 3. Records at least 25 volunteer hours of arts-related
45 community service in his or her community and presents a
46 comprehensive presentation on his or her experiences.

47 4. Meets the requirements of a portfolio-based program
48 identifying the student as an exemplary practitioner of the fine
49 arts.

50 5. Receives district, state, or national recognition for

51 the creation and submission of an original work of art. For
52 purposes of this paragraph, the term "work of art" means a
53 musical or theatrical composition, visual artwork, or
54 choreographed routine or performance.

55 (b) The State Board of Education may establish additional
56 criteria for the award of the Seal of Fine Arts.

57 (4) The Commissioner of Education shall:

58 (a) Prepare for and provide to each school district an
59 appropriate seal to be affixed to a student's diploma indicating
60 that the student has been awarded the Seal of Fine Arts.

61 (b) Provide appropriate benchmarks in rubric form which
62 are necessary for a school district to successfully implement
63 the program.

64 (5) Each school district shall:

65 (a) Maintain appropriate records to identify a student who
66 has met the requirements to receive a Seal of Fine Arts.

67 (b) Provide the Commissioner of Education with the number
68 of students who have met the requirements to receive a Seal of
69 Fine Arts.

70 (c) Affix the appropriate insignia to the student's
71 diploma and indicate on the student's transcript that he or she
72 has earned a Seal of Fine Arts.

73 (6) A school district or the department may not charge a
74 fee for a Seal of Fine Arts.

75 (7) The State Board of Education shall adopt rules to

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76 | administer this section, including, but not limited to:

77 | (a) A process created in rubric form to confirm a
78 | student's successful completion of the requirements in
79 | subsection (3).

80 | (b) Any additional requirements a student must meet to be
81 | awarded the Seal of Fine Arts.

82 | Section 2. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 553 Career-themed Courses

SPONSOR(S): Dunkley

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1688

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Collins	Seap
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

To provide awareness of the career academies and career themed courses available to students, the bill requires districts to inform students and parents during course selection for middle school of the career and professional academy or career-themed course available within the district.

The bill requires the Career and Professional Education Act strategic 3-year plan a school district develops with stakeholders, to include strategies to inform and promote the career and technical education (CTE) opportunities available in the district to students, parents, the community, and stakeholders.

The Department of Education is required to include data collected on student achievement and performance in industry-certified career education programs and career-themed courses in the Commissioner of Education's annual CTE program review.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Career and Professional Education (CAPE) Act

The Career and Professional Education (CAPE) Act was created to provide a statewide planning partnership between the business and education communities to attract, expand and retain targeted, high-value industry to sustain a strong, knowledge-based economy.¹ The primary purpose of the CAPE Act is to:²

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to postsecondary-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.

Middle Grades Career and Professional Academy Courses and Career-Themed Courses

In accordance with the CAPE Act, each school district must plan and implement at least one middle school CAPE academy or career-themed course.³

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 Florida Department of Commerce.⁴

A career-themed course is a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List adopted by the State Board of Education.⁵

Middle school academies and career-themed courses must:⁶

- Be aligned with at least one high school CAPE academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards;
- Lead to careers in occupations aligned to the approved Cape Industry Certification Funding List;
- Integrate content from core subjects;
- Integrate career and professional academy or career-themed course content with intensive reading, English Language Arts, and mathematics;
- Coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;
- Provide access to virtual instruction courses;

¹ Section 1003.491, F.S.

² Section 1003.491(1), F.S.

³ Section 1003.4935(1), F.S.

⁴ Section 1003.493(1)(a), F.S.; Ch. 2023-173, L.O.F. renamed the Department of Economic Opportunity as the Department of Commerce.

⁵ Section 1003.493(1)(b), F.S. and Rule 6A-6.0571. *See also*, Florida Department of Education, *CAPE Industry Certification Funding List*, <https://www.fldoe.org/academics/career-adult-edu/cape-secondary/cape-industry-cert-funding-list-current.stml> (last visited Jan. 11, 2023).

⁶ Section 1003.4935, F.S.

- Provide instruction from highly skilled professionals certified in the career subject matter;
- Offer externships; and
- Provide personalized student advisement that includes a parent-participation component.

Strategic Plan

To comply with the CAPE Act, school boards are required to develop a strategic plan in partnership with local workforce boards, economic development agencies, and state-approved postsecondary institutions to better align academy programs with local workforce needs. Two or more school districts may collaborate in the development of the strategic plan and jointly offer an academy or career-themed courses.⁷

The strategic 3-year plan must, among other factors, be constructed and based on:⁸

- Research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Department of Commerce and the Labor Market Estimating Conference as factors in the criteria for the plan;
- Strategies to develop and implement career academies or career-themed courses based on occupations identified by the Department of Commerce and the Labor Market Estimating Conference;
- Strategies to develop and implement career academies and career-themed courses that provide personalized student advisement, including a parent-participation component, and coordination with middle grades to promote and support career-themed courses and education planning;
- Alignment of requirements for middle school career planning, middle and high school career and professional academies or career-themed courses leading to industry certification or postsecondary credit, and high school graduation requirements;
- Strategies to provide professional development for secondary certified school counselors on the benefits of career and professional academies and career-themed courses that lead to industry certification;
- Plans to sustain and improve career-themed courses and career and professional academies; and,
- Strategies to ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards.

The strategic plan must be reviewed, updated, and jointly approved every three years.⁹

Career and Technical Education (CTE) Review

Current law requires the Commissioner of Education (commissioner) to annually conduct a review of K-12 and postsecondary CTE programs that, at a minimum, must examine:¹⁰

- Alignment of offerings with the framework of quality established by the Credentials Review Committee.¹¹

⁷ Section 1003.491(2), F.S.

⁸ Section 1003.491(3), F.S.

⁹ Section 1003.491(2), F.S.

¹⁰ Section 1003.491(5)(a), F.S.

¹¹ Section 445.004(4)(h), F.S. The Credentials Review Committee serves to centralize identification and designation of non-degree and degree credentials of value for inclusion on the Master Credentials List. Credentials must include registered apprenticeship programs, industry certification, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees. *See also*, Florida Department of Education, *Master Credential List (2022-2023)*, available at <https://www.fldoe.org/core/fileparse.php/20129/urlt/13-3.pdf>.

- Alignment of offerings at the K-12 and postsecondary levels with credentials or degree programs identified on the state’s Master Credentials List.
- Program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area.
- Institutional performance measured by student outcomes.

Using the findings from the CTE review,¹² the commissioner is required to phase out CTE offerings which are not aligned with the framework of quality established by the Credentials Review Committee, do not meet labor market demand or institutional performance, or are unwarranted program duplications.¹³

In addition to the CTE review, the DOE is required to collect student achievement and performance data in industry-certified career education programs and career-themed courses that includes, but need not be limited to:

- graduation rates;
- retention rates;
- Florida Bright Futures Scholarship awards;
- additional educational attainment;
- employment records;
- earnings;
- industry certification;
- return on investment; and
- employer satisfaction.¹⁴

Effect of Proposed Changes

To provide awareness of the career academies and career themed courses available to students, the bill requires districts to inform students and parents during course selection for middle school of the career and professional academy or career-themed course available within the district.

The bill requires the CAPE Act strategic 3-year plan a school district develops with stakeholders, to include strategies to inform and promote the CTE opportunities available in the district to students, parents, the community, and stakeholders.

The DOE is required to include data collected on student achievement and performance in industry-certified career education programs and career-themed courses in the commissioner’s annual CTE program review.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 1003.491, F.S.; revising the requirements for a specified school district strategic plan to include certain information.
- Section 2:** Amends s. 1003.492, F.S.; requiring the Department of Education to include specified data in an annual review of K-12 and postsecondary career and technical education offerings.
- Section 3:** Amends s. 1003.4935, F.S.; requiring school districts to provide specified information to students and parents during middle school course selection.

¹² Florida Department of Education, *Career and Technical Education Audit*, <https://www.fldoe.org/careerpathways/index.stml#overview> (last visited Jan. 11, 2024).

¹³ Section 1003.491(5)(c), F.S.

¹⁴ Section 1003.492(3), F.S.

Section 4: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not appear to have a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
2 An act relating to career-themed courses; amending s.
3 1003.491, F.S.; revising the requirements for a
4 specified school district strategic plan to include
5 certain information; amending s. 1003.492, F.S.;
6 requiring the Department of Education to include
7 specified data in an annual review of K-12 and
8 postsecondary career and technical education
9 offerings; amending s. 1003.4935, F.S.; requiring
10 school districts to provide specified information to
11 students and parents during middle school course
12 selection; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraphs (p) and (q) of subsection (3) of
17 section 1003.491, Florida Statutes, are amended, and paragraph
18 (r) is added to subsection (3) of that section, to read:

19 1003.491 Florida Career and Professional Education Act.—
20 The Florida Career and Professional Education Act is created to
21 provide a statewide planning partnership between the business
22 and education communities in order to attract, expand, and
23 retain targeted, high-value industry and to sustain a strong,
24 knowledge-based economy.

25 (3) The strategic 3-year plan developed jointly by the

26 | local school district, local workforce development boards,
 27 | economic development agencies, and state-approved postsecondary
 28 | institutions must be constructed and based on:

29 | (p) Strategies to provide professional development for
 30 | secondary certified school counselors on the benefits of career
 31 | and professional academies and career-themed courses that lead
 32 | to industry certification; ~~and~~

33 | (q) Strategies to redirect appropriated career funding in
 34 | secondary and postsecondary institutions to support career
 35 | academies and career-themed courses that lead to industry
 36 | certification; and

37 | (r) Strategies to inform and promote the career and
 38 | technical education opportunities available in the district to
 39 | students, parents, the community, and stakeholders.

40 | Section 2. Subsection (3) of section 1003.492, Florida
 41 | Statutes, is amended to read:

42 | 1003.492 Industry-certified career education programs.—

43 | (3) The Department of Education shall collect student
 44 | achievement and performance data in industry-certified career
 45 | education programs and career-themed courses as part of the
 46 | annual review required under s. 1003.491 ~~that includes, but need~~
 47 | ~~not be limited to, graduation rates, retention rates, Florida~~
 48 | ~~Bright Futures Scholarship awards, additional educational~~
 49 | ~~attainment, employment records, earnings, industry~~
 50 | ~~certification, return on investment, and employer satisfaction.~~

51 Section 3. Subsection (1) of section 1003.4935, Florida
52 Statutes, is amended to read:

53 1003.4935 Middle grades career and professional academy
54 courses and career-themed courses.—

55 (1) ~~Beginning with the 2011-2012 school year,~~ Each
56 district school board, in collaboration with local workforce
57 development boards, economic development agencies, and state-
58 approved postsecondary institutions, shall include plans to
59 implement a career and professional academy or a career-themed
60 course, as defined in s. 1003.493(1)(b), in at least one middle
61 school in the district as part of the strategic 3-year plan
62 pursuant to s. 1003.491(2). The strategic plan must provide
63 students the opportunity to transfer from a middle school career
64 and professional academy or a career-themed course to a high
65 school career and professional academy or a career-themed course
66 currently operating within the school district. Students who
67 complete a middle school career and professional academy or a
68 career-themed course must have the opportunity to earn an
69 industry certificate and high school credit and participate in
70 career planning, job shadowing, and business leadership
71 development activities. The district must inform students and
72 parents during course selection for middle school of the career
73 and professional academy or career-themed course available
74 within the district.

75 Section 4. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 883 Short-acting Bronchodilator Use in Public and Private Schools

SPONSOR(S): Koster

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 962

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Dixon	Sleap
2) PreK-12 Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

To provide access to life-saving interventions during a student's respiratory distress at a public or private school, the bill authorizes a public or private school to acquire and stock a supply of short-acting bronchodilators and components from a wholesale distributor or to enter into an arrangement with a wholesale distributor or manufacturer, for short-acting bronchodilators and components at fair-market, free, or reduced prices. The bill specifies the requirements for storing and maintaining the stock supply of short-acting bronchodilators and components.

The bill authorizes specified health care practitioners to prescribe short-acting bronchodilators and components in the name of a public school or private school. Additionally, the bill authorizes a licensed pharmacist to dispense short-acting bronchodilators and components to a prescription issued in the name of a public or private school.

Under the bill, a public school may also accept short-acting bronchodilators and components as a donation or transfer if the items meet the U.S. Food and Drug Administration regulations and are in a new, unexpired, manufactured-sealed condition.

The bill outlines criteria for individuals authorized to administer short-acting bronchodilators and components to students at public and private schools. Additionally, the bill requires schools to inform parents of the school's adopted protocol and obtain parental permission before administering short-acting bronchodilators to a student in respiratory distress emergencies.

Additionally, the bill provides that a school district and its employees and agents, as well as a private school and its employees and agents, acting in good faith are not liable for any injury arising from the use or non-use of a short-acting bronchodilator or components administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is experiencing a respiratory distress emergency. The bill also provides exceptions for liability.

Any authorized healthcare practitioner who prescribes, or a dispensing pharmacist who fills, a prescription for a short-acting bronchodilator and components for use by a public or private school under the provisions of the bill are immune from civil liability for any act or omission to act related to the administration of a short-acting bronchodilator or components, except for an act of willful or wanton misconduct.

The bill may have an indeterminate fiscal impact on local government expenditures. See Fiscal Analysis.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Management of Childhood Asthma in Schools

Asthma is a chronic condition that involves inflammation of the airways. Individuals with asthma experience hyperresponsive airways, meaning their reactions to triggers such as colds, cigarette smoke, and exercise are faster and more intense than those with normal airways. This heightened reactivity leads to inflammation of the airway lining, tightening of surrounding muscles, airway narrowing, and increased production of mucus cells. These reactions reduce the airflow into the lungs, making breathing more challenging.¹

In Florida, approximately 1 in 8 adults and 1 in 9 children have asthma.² Nationally, asthma stands as one of the most common chronic childhood diseases, impacting the daily lives of millions of American children.³ As children with asthma attend school, their safety and the management of their condition becomes the shared responsibility of the family, their healthcare providers, and school personnel.⁴

While most schools are very cognizant of the seriousness of asthma, the distance from the classroom or playing field to the school health room can be perilously far for a child struggling to breathe.⁵ As approximately 10 percent of school children have asthma and spend a significant amount of time at school, having access to a rescue inhaler is important.⁶ Rescue inhalers, known as short-acting bronchodilators, are used for sudden, acute asthma symptoms and includes beta 2-agonists, which quickly open airways to stop asthma symptoms. Referred to as “reliever” or “rescue” medicines, they are the most effective for treating sudden, severe, or new asthma symptoms, working within 15 to 20 minutes and lasting for four to six hours.⁷

According to the American Lung Association, despite all 50 states and the District of Columbia having laws allowing students to carry and use asthma inhalers at school, it is still crucial for schools to move fast to save the life of a child during asthma emergencies. Situations may arise that can keep a child from getting the medications they need in a timely manner, such as forgetting an inhaler at home or facing financial constraints preventing the family from affording a second inhaler to keep at school.⁸

Given the unpredictable and potentially life-threatening nature of asthma exacerbations in children, timely access to rescue inhalers becomes a matter of life-saving significance. Addressing these concerns, in a 2021 policy statement on ensuring access to albuterol in schools, the American Thoracic

¹ Florida Health, *What is Asthma?*, <https://www.floridahealth.gov/diseases-and-conditions/asthma/what-is-asthma.html> (last visited Jan. 9, 2024).

² *Id.*

³ Asthma and Allergy Foundation of America, *Childhood Asthma*, <https://asthmaandallergies.org/asthma-allergies/childhood-asthma/> (last visited Jan. 8, 2024).

⁴ American Lung Association, *Improving Access to Asthma Medications in Schools* (Sept. 2014), at 1, available at <https://www.lung.org/getmedia/872c9b6a-5379-4321-8913-102d53182e29/improving-access-to-asthma.pdf.pdf>.

⁵ *Id.*

⁶ American Academy of Allergy, *Asthma & Immunology, School stock inhaler program* (2021), <https://www.aaaai.org/tools-for-the-public/latest-research-summaries/the-journal-of-allergy-and-clinical-immunology/2021/school-inhaler> (last visited Jan. 9, 2024).

⁷ Cleveland Clinic, *Bronchodilator*, <https://my.clevelandclinic.org/health/treatments/17575-bronchodilator> (last visited Jan. 9, 2024). The inhaled forms of short-acting beta 2-agonists medications include Albuterol, Levalbuterol, or a combination of albuterol and ipratropium bromide.

⁸ American Lung Association, *Why Schools Should Stock Asthma Inhalers* (Aug. 2023), <https://www.lung.org/blog/why-schools-should-stock-inhalers> (last visited Jan. 9, 2024).

Society and others,⁹ stated that for children with asthma, access to quick-relief medications is critical to minimizing morbidity and mortality. The policy statement included an approach a state legislature could take to ensure access at school through stock albuterol policies whereby a school maintains a supply of stock albuterol that can be used by any student who experiences respiratory distress. The statement concluded that stock albuterol in schools is a safe, practical, and potentially life-saving option for children with asthma, whether asthma is diagnosed or undiagnosed, who lack access to their personal quick-relief medication.¹⁰

School Stock Albuterol Policies-Other States Efforts

Several states¹¹ have passed legislation and guidelines addressing asthma management in schools. While many state policies allow asthmatic students to carry an inhaler with them at school, some states have implemented policies which allow schools to stock quick-relief medications to respond to a student in a respiratory distress emergency.

For example, Virginia law requires each local school board to adopt and implement policies for the possession and administration of stock albuterol inhalers and valved holding chambers in every public school in the local school division.¹² Authorized personnel, such as a school nurse or employee of the school board, are responsible for administering the albuterol. In 2023, the Virginia Legislature expanded on those who could administer the albuterol inhalers to include authorized licensed athletic trainers under contract with a local school division.¹³

In 2022, the Arizona Legislature authorized school districts and charter schools to accept monetary donations or apply for grants to purchase inhalers and spacers or holding chambers. Alternatively, the school districts and charter schools may directly accept donations of these items from the product manufacturer.¹⁴

In Illinois, public and nonpublic schools are authorized to maintain a supply of asthma medication in any secure location that is accessible before, during, or after school where a person is most at risk.¹⁵ Authorized personnel, such as school nurse or trained personnel, may administer the asthma medication to any person that the individual believed in good faith was in respiratory distress.

School Health Services in Florida

School health services are an important component of the public health system and help assure that Florida's students are healthy and ready to learn. School health services are intended to minimize health barriers to learning for public school students in grades prekindergarten through twelve in all 67 Florida counties.¹⁶

⁹ The policy statement was a joint effort made by the American Thoracic Society (ATS), The Allergy and Asthma Network Mothers of Asthmatics (AANMA), American Lung Associations (ALA), and the National Association of School Nurses (NASN).

¹⁰ Anna Volerman, et al., Ensuring Access to Albuterol in Schools: From Policy to Implementation. An official ATS/AANMA/ALA/NASN Policy Statement, 204 American Journal of Respiratory and Critical Care Medicine 5 (Sept. 2021), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8491259/pdf/rccm.202106-1550ST.pdf>.

¹¹ Examples of states that passed legislation and guidelines addressing asthma management in schools include Arkansas, ARK. CODE. § 6-18-707(d)-(h) (2019), California, CAL. CIVIL CODE § 49414.7 (2023), 105., Indiana, IND. CODE § 16-41-43-1, 16-41-43-3.5, 20-34-4.5-0.2, and 20-34-4.5-0.6 (2017), Iowa, IOWA CODE § 280.16 (2022), Montana, MO. REV. STAT. § 167.635 (2012), New Hampshire, N.H. REV. STAT. § 200:53 (2016), New Mexico, N.M. REV. STAT. ANN. § 24-31-1 (2018), Ohio, OHIO REV. CODE. ANN. § 3313.7113 (2023), Oklahoma, OKLA. STAT. tit. 70, §70-1-116.3 (2020), Texas, TEX. General-LAW MUNICIPALITY CODE ANN. § 38.001 (2007), Utah, UTAH CODE ANN. § 26-41-101 to 107 (2020).

¹² VA CODE. ANN. § 22.1-274.2, Virginia Law, *Code of Virginia*, § 22.1-274.2. <https://law.lis.virginia.gov/vacode/22.1-274.2/> (last visited Jan. 15, 2023).

¹³ VA CODE. ANN. § 8.01-225 (2023)

¹⁴ ARIZ. REV. STAT. § 15-158 and § 22.1-274.2 (2022)

¹⁵ Ill. COMP. STAT. 5/22-30 and 27A-5 (2017), *see also* Illinois Public Act, *SB3015 Enrolled*, available at <https://www.ilga.gov/legislation/publicacts/100/PDF/100-0726.pdf>.

¹⁶ Florida Department of Education, School Health Services, <https://www.fdoe.org/schools/k-12-public-schools/sss/sch-health-serv.stml> (last visited Jan. 10, 2024). Service are provided in accordance with a local school health services plan under s. 381.0056(4)(a), F.S.

Asthma

In accordance with Florida law, asthmatic students attending public school may carry a metered dose inhaler with them while in school, provided they have obtained approval from both their parent and physician. The school principal must be provided a copy of the parent's and physician's approval.¹⁷ Current law does not authorize an asthmatic student attending a private school to carry a metered dose inhaler with them while at school.

Epinephrine Use and Supply

Florida law also addresses the use of epinephrine auto-injectors for public and private K-12 students, at risk of life-threatening allergic reactions, known as anaphylaxis.

A public school student may carry and self-administer an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization.¹⁸ For each public school student authorized to carry an epinephrine auto-injector, the school nurse must develop an annual child-specific action plan for an anticipated health emergency in the school setting.¹⁹

Additionally, both K-12 public and private schools in Florida may purchase and maintain a supply of epinephrine auto-injectors in a secure, locked location on school premises for use if a student has an anaphylactic reaction.²⁰ A participating school district or private school is required to adopt a protocol developed by a licensed physician for administration of the epinephrine by school personnel.²¹ The epinephrine auto-injectors may be administered by school personnel or self-administered by the student.²²

K-12 public and private schools, their employees, agents, and physicians who provide the standing protocol are exempted from liability for any injury arising from the use of an epinephrine auto-injector if the epinephrine auto-injector is administered by trained school personnel who follows the protocol and reasonably believes that the student is having an anaphylactic reaction.²³ Florida law provides that the liability protections apply:²⁴

- Even if the student's parent has not been provided notice or has not signed a statement acknowledging that the school district is not liable; and
- Regardless of whether authorization has been given by the student's parent or the student's physician.

However, the liability protections do not apply if the trained school personnel's action is willful and wanton.²⁵

Effect of Proposed Changes

To provide access to life-saving interventions during respiratory distress at a public or private school, the bill authorizes a public or private school to acquire and stock a supply of short-acting

¹⁷ Section 1002.20(3)(h), F.S.

¹⁸ Section 1002.20(3)(i)1., F.S.; *see also* rule 6A-6.0251, F.A.C.

¹⁹ Rule 6A-6.0251, F.A.C.; *see also* rule 64F-6.004, F.A.C.

²⁰ Sections 1002.20(3)(i)2., F.S. and 1002.42(17)(a), F.S.

²¹ *Id.*

²² *Id.*

²³ Sections 1002.20(3)(i)3., F.S. and 1002.42(17)(b), F.S.

²⁴ *Id.*

²⁵ *Id.*

bronchodilators and components from a wholesale distributor²⁶ or to enter into an arrangement with a wholesale distributor or manufacturer,²⁷ for short-acting bronchodilators and components at fair-market, free, or reduced prices.

The bill authorizes specified health care practitioners to prescribe short-acting bronchodilators and components in the name of a public school or private school. Additionally, the bill authorizes a licensed pharmacist to dispense short-acting bronchodilators and components to a prescription issued in the name of a public or private school.

Under the bill, a public school may also accept short-acting bronchodilators and components as a donation or transfer if they are new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug Administration.

A public or private school which elects to acquire and stock a supply of short-acting bronchodilators and components must maintain the supply in a secure location on the school's premises. Additionally, the participating school district or private school must adopt a protocol developed by a licensed physician for administration of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator and components. The bill provides that the supply of short-acting bronchodilators and components may be provided to and used by a trained school personnel member or a student authorized to self-administer a short-acting bronchodilator and components.

Under the bill the school district, public school, or private school, must provide written notice to the parent of each student enrolled in the school district, public school, or private school, of the school's adopted protocol and must receive prior permission from a student's parent to administer a short-acting bronchodilator or components in a respiratory distress emergency.

The bill specifies that a school nurse or trained school personnel at a participating public or private school must only administer short-acting bronchodilators and components to students if they have successfully completed training and believe in good faith that the student is experiencing severe respiratory distress. This applies regardless of whether the student has a prescription for a short-acting bronchodilator and components or has previously been diagnosed with asthma.

The bill provides that a school district and its employees and agents, as well as a private school and its employees and agents, acting in good faith are not liable for any injury arising from the use or non-use of a short-acting bronchodilator or components administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is experiencing respiratory distress:

- Unless the trained school personnel's action is willful and wanton.
- Notwithstanding that the parents of the student to whom the short-acting bronchodilator is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable.
- Regardless of whether authorization has been given by the student's parents or by the student's physician, physician assistant, or advanced practice registered nurse.

The bill provides that any authorized healthcare practitioner who prescribes, or a dispensing pharmacist who fills, a prescription for a short-acting bronchodilator and components for use by a public or private school is immune from civil liability for any act or omission to act related to the administration of a short-acting bronchodilator or components, except for an act of willful or wanton misconduct.

²⁶ Section 499.003(49), F.S. Wholesale distributor means a person, other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager, who is engaged in wholesale distribution.

²⁷ Section 499.003(29), F.S. Manufacturer means a person who holds a New Drug Application, an Abbreviated New Drug Application, a Biologics License Application, or a New Animal Drug Application approved under the federal act or license issued under s. 351 of the Public Health Service Act, 42 U.S.C. s. 262, for such drug or biologics, or if such drug or biologics are not the subject of an approved application or license, the person who manufactured the drug or biologics, a co-licensed partner or affiliates, and those manufacturing devices or cosmetics.

The bill updates the terminology for the type of device an asthmatic public school student may carry from a metered-dose inhaler to a short-acting bronchodilator and component and authorizes an asthmatic private school student, similar to a public school student, to carry a short-acting bronchodilator and components while in school. The private school student's parent and physician must provide their approval to the private school's principal.

The bill defines the following terms:

- "Administer" to mean to give or to directly apply a short-acting bronchodilator or components to a student.
- "Asthma" to mean a chronic lung disease that inflames and narrows the airways, which can manifest as wheezing, chest tightness, shortness of breath, and coughing.
- "Authorized health care practitioner" to mean a physician, a physician assistant or a registered nurse, each licensed as defined under the law.
- "Components" to mean devices used as part of clinically recommended use of short-acting bronchodilators, which may include spacers, valved holding chambers, or nebulizers.
- "Respiratory distress" to refer to an individual experiencing difficulty breathing, which can be caused by a multitude of medical factors, including chronic diseases such as asthma.
- "Short-acting bronchodilator" to mean a beta-2 agonist, such as albuterol, used for the quick relief of asthma symptoms and recommended by the National Heart, Lung, and Blood Institute's National Asthma Education and Prevention Program Guidelines for the Treatment of Asthma. These bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or by a pressured metered-dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a short-acting bronchodilator recommended in the Guidelines for the Treatment of Asthma.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.20, F.S.; providing definitions; authorizing certain public school students to carry a short-acting bronchodilator and components; providing for public schools to receive prescribed short-acting bronchodilators and components in the school's name; authorizing public schools to acquire and stock a supply of short-acting bronchodilators and components through specified means; providing for the adoption of specified protocols relating to such short-acting bronchodilators and components; providing school district, public school, and parental requirements for the administration of such short-acting bronchodilators and components; providing construction.

Section 2: Amends s. 1002.42, F.S.; providing definitions; authorizing certain private school students to carry a short-acting bronchodilator and components; providing for private schools to receive prescribed short-acting bronchodilators and components in the school's name; authorizing private schools to acquire and stock a supply of short-acting bronchodilators and components through specified means; providing for the adoption of specified protocols relating to such short-acting bronchodilators and components; providing private school and parental requirements for the administration of such short-acting bronchodilators and components; providing construction.

Section 3: Establishes an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:
See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Participating schools may incur costs when acquiring a stock supply of short-acting bronchodilators and components. Additional expenses may arise for training personnel to administer the bronchodilators and their components unless an association offers free training which a school may use.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
None.

2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled

2 An act relating to short-acting bronchodilator use in
3 public and private schools; amending ss. 1002.20 and
4 1002.42, F.S.; providing definitions; authorizing
5 certain public and private school students to carry a
6 short-acting bronchodilator and components; providing
7 for public and private schools to receive prescribed
8 short-acting bronchodilators and components in the
9 school's name; authorizing public and private schools
10 to acquire and stock a supply of short-acting
11 bronchodilators and components through specified
12 means; providing for the adoption of specified
13 protocols relating to such short-acting
14 bronchodilators and components; providing school
15 district, public and private school, and parental
16 requirements for the administration of such short-
17 acting bronchodilators and components; providing
18 construction; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (h) of subsection (3) of section
23 1002.20, Florida Statutes, is amended to read:

24 1002.20 K-12 student and parent rights.—Parents of public
25 school students must receive accurate and timely information

26 regarding their child's academic progress and must be informed
27 of ways they can help their child to succeed in school. K-12
28 students and their parents are afforded numerous statutory
29 rights including, but not limited to, the following:

30 (3) HEALTH ISSUES.—

31 (h) Short-acting bronchodilator ~~Inhaler~~ use.—

32 1. As used in this paragraph, the term:

33 a. "Administer" means to give or directly apply a short-
34 acting bronchodilator or components to a student.

35 b. "Asthma" means a chronic lung disease that inflames and
36 narrows the airways, which can manifest as wheezing, chest
37 tightness, shortness of breath, and coughing.

38 c. "Authorized health care practitioner" means a physician
39 licensed under chapter 458 or chapter 459, a physician assistant
40 licensed under chapter 458 or chapter 459, or a registered nurse
41 licensed under chapter 464.

42 d. "Components" means devices used as part of clinically
43 recommended use of short-acting bronchodilators, which may
44 include spacers, valved holding chambers, or nebulizers.

45 e. "Respiratory distress" refers to an individual
46 experiencing difficulty breathing, which can be caused by a
47 multitude of medical factors, including chronic diseases such as
48 asthma.

49 f. "Short-acting bronchodilator" means a beta-2 agonist,
50 such as albuterol, used for the quick relief of asthma symptoms

51 and recommended by the National Heart, Lung, and Blood
52 Institute's National Asthma Education and Prevention Program
53 Guidelines for the Treatment of Asthma. These bronchodilators
54 may include an orally inhaled medication that contains a
55 premeasured single dose of albuterol or albuterol sulfate
56 delivered by a nebulizer or by a pressured metered-dose inhaler
57 used to treat respiratory distress, including, but not limited
58 to, wheezing, shortness of breath, and difficulty breathing, or
59 another dosage of a short-acting bronchodilator recommended in
60 the Guidelines for the Treatment of Asthma.

61 2. Asthmatic students whose parent and physician provide
62 their approval to the school principal may carry a short-acting
63 bronchodilator and components ~~metered-dose inhaler~~ on their
64 person while in school. The school principal shall be provided a
65 copy of the parent's and physician's approval.

66 3. An authorized health care practitioner may prescribe
67 short-acting bronchodilators and components in the name of a
68 public school for use in accordance with this section and a
69 licensed pharmacist may dispense short-acting bronchodilators
70 and components pursuant to a prescription issued in the name of
71 a public school for use in accordance with this section.

72 4. A public school may acquire and stock a supply of
73 short-acting bronchodilators and components from a wholesale
74 distributor as defined in s. 499.003 or may enter into an
75 arrangement with a wholesale distributor or manufacturer as

76 defined in s. 499.003 for short-acting bronchodilators and
77 components at fair-market, free, or reduced prices pursuant to a
78 prescription issued in accordance with this section. The short-
79 acting bronchodilators and components must be maintained in a
80 secure location on a school's premises. The participating school
81 district shall adopt a protocol developed by a licensed
82 physician for administration of short-acting bronchodilators or
83 components by school personnel who are trained to recognize
84 symptoms of respiratory distress and to administer a short-
85 acting bronchodilator and components. The supply of short-acting
86 bronchodilators and components may be provided to and used by a
87 trained school personnel member or a student authorized to self-
88 administer a short-acting bronchodilator and components.

89 5. A public school may accept short-acting bronchodilators
90 and components as a donation or transfer if they are new,
91 unexpired, manufacturer-sealed, not subject to recall,
92 unadulterated, and in compliance with relevant regulations
93 adopted by the United States Food and Drug Administration.

94 6. A school nurse or trained school personnel shall only
95 administer short-acting bronchodilators and components to
96 students if they have successfully completed training and
97 believe in good faith that the student is experiencing severe
98 respiratory distress, regardless of whether the student has a
99 prescription for a short-acting bronchodilator and components or
100 has previously been diagnosed with asthma.

101 7. The school district or school shall provide written
102 notice to the parent of each student enrolled in the school
103 district or school of the school's adopted protocol and must
104 receive prior permission from a student's parent to administer a
105 short-acting bronchodilator or components in a respiratory
106 distress emergency.

107 8. A school district and its employees and agents who act
108 in good faith are not liable for any injury arising from the use
109 or non-use of a short-acting bronchodilator or components
110 administered by trained school personnel who follow the adopted
111 protocol and whose professional opinion is that the student is
112 experiencing respiratory distress:

113 a. Unless the trained school personnel's action is willful
114 and wanton.

115 b. Notwithstanding that the parents of the student to whom
116 the short-acting bronchodilator is administered have not been
117 provided notice or have not signed a statement acknowledging
118 that the school district is not liable.

119 c. Regardless of whether authorization has been given by
120 the student's parents or by the student's physician, physician
121 assistant, or advanced practice registered nurse.

122 9. Any authorized healthcare practitioner who prescribes,
123 or a dispensing pharmacist who fills, a prescription for a
124 short-acting bronchodilator and components for use by a school
125 is immune from civil liability for any act or omission to act

126 related to the administration of a short-acting bronchodilator
127 or components, except for an act of willful or wanton
128 misconduct.

129 Section 2. Subsection (18) of section 1002.42, Florida
130 Statutes, is renumbered as subsection (19) and subsection (18)
131 is added to that section, to read:

132 1002.42 Private schools.—

133 (18) SHORT-ACTING BRONCHODILATOR USE.—

134 (a) As used in this paragraph, the term:

135 1. "Administer" means to give or directly apply a short-
136 acting bronchodilator or components to a student.

137 2. "Asthma" means a chronic lung disease that inflames and
138 narrows the airways, which can manifest as wheezing, chest
139 tightness, shortness of breath, and coughing.

140 3. "Authorized health care practitioner" means a physician
141 licensed under chapter 458 or chapter 459, a physician assistant
142 licensed under chapter 458 or chapter 459, or a registered nurse
143 licensed under chapter 464.

144 4. "Components" means devices used as part of clinically
145 recommended use of short-acting bronchodilators, which may
146 include spacers, valved holding chambers, or nebulizers.

147 5. "Respiratory distress" refers to an individual
148 experiencing difficulty breathing, which can be caused by a
149 multitude of medical factors, including chronic diseases such as
150 asthma.

151 6. "Short-acting bronchodilator" means a beta-2 agonist,
152 such as albuterol, used for the quick relief of asthma symptoms
153 and recommended by the National Heart, Lung, and Blood
154 Institute's National Asthma Education and Prevention Program
155 Guidelines for the Treatment of Asthma. These bronchodilators
156 may include an orally inhaled medication that contains a
157 premeasured single dose of albuterol or albuterol sulfate
158 delivered by a nebulizer or by a pressured metered-dose inhaler
159 used to treat respiratory distress, including, but not limited
160 to, wheezing, shortness of breath, and difficulty breathing, or
161 another dosage of a short-acting bronchodilator recommended in
162 the Guidelines for the Treatment of Asthma.

163 (b) Asthmatic students whose parent and physician provide
164 their approval to the school principal may carry a short-acting
165 bronchodilator and components on their person while in school.
166 The school principal shall be provided a copy of the parent's
167 and physician's approval.

168 (c) An authorized health care practitioner may prescribe
169 short-acting bronchodilators and components in the name of a
170 private school for use in accordance with this section, and a
171 licensed pharmacist may dispense short-acting bronchodilators
172 and components pursuant to a prescription issued in the name of
173 a private school for use in accordance with this section.

174 (d) A private school may acquire and stock a supply of
175 short-acting bronchodilators and components from a wholesale

176 distributor as defined in s. 499.003 or may enter into an
177 arrangement with a wholesale distributor or manufacturer as
178 defined in s. 499.003 for short-acting bronchodilators and
179 components at fair-market, free, or reduced prices pursuant to a
180 prescription issued in accordance with this section. The short-
181 acting bronchodilators and components must be maintained in a
182 secure location on the school premises. The participating school
183 shall adopt a protocol developed by a licensed physician for the
184 administration of a short-acting bronchodilator or components by
185 school personnel who are trained to recognize symptoms of
186 respiratory distress. The supply of short-acting bronchodilators
187 and components may be provided to and used by a trained school
188 personnel member or a student authorized to self-administer a
189 short-acting bronchodilator and components.

190 (e) A school nurse or trained school personnel shall only
191 administer short-acting bronchodilators and components to
192 students if they have successfully completed training and
193 believe in good faith that the student is experiencing severe
194 respiratory distress, regardless of whether the student has a
195 prescription for a short-acting bronchodilator and components or
196 has previously been diagnosed with asthma.

197 (f) The private school shall provide written notice to the
198 parent of each student enrolled in the private school of the
199 school's adopted protocol and must receive prior permission from
200 a student's parent to administer a short-acting bronchodilator

201 or components in a respiratory distress emergency.

202 (g) The private school and its employees and agents who
203 act in good faith are not liable for any injury arising from the
204 use or non-use of a short-acting bronchodilator or components
205 administered by trained school personnel who follow the adopted
206 protocol and whose professional opinion is that the student is
207 experiencing respiratory distress:

208 1. Unless the trained school personnel's action is willful
209 and wanton.

210 2. Notwithstanding that the parents of the student to whom
211 the short-acting bronchodilator is administered have not been
212 provided notice or have not signed a statement acknowledging
213 that the private school is not liable.

214 3. Regardless of whether authorization has been given by
215 the student's parents or by the student's physician, physician
216 assistant, or advanced practice registered nurse.

217 (h) Any authorized healthcare practitioner who prescribes,
218 or a dispensing pharmacist who fills, a prescription for a
219 short-acting bronchodilator and components for use by a private
220 school is immune from civil liability for any act or omission to
221 act related to the administration of a short-acting
222 bronchodilator or components, except for an act of willful or
223 wanton misconduct.

224 Section 3. This act shall take effect July 1, 2024.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Choice & Innovation
 2 Subcommittee

3 Representative Koster offered the following:

4
5 **Amendment**

6 Remove lines 190-217 and insert:

7 (e) A private school may accept short-acting
 8 bronchodilators and components as a donation or transfer if they
 9 are new, unexpired, manufacturer-sealed, not subject to recall,
 10 unadulterated, and in compliance with relevant regulations
 11 adopted by the United States Food and Drug Administration.

12 (f) A school nurse or trained school personnel shall only
 13 administer short-acting bronchodilators and components to
 14 students if they have successfully completed training and
 15 believe in good faith that the student is experiencing severe
 16 respiratory distress, regardless of whether the student has a

Amendment No. 1

17 prescription for a short-acting bronchodilator and components or
18 has previously been diagnosed with asthma.

19 (g) The private school shall provide written notice to the
20 parent of each student enrolled in the private school of the
21 school's adopted protocol and must receive prior permission from
22 a student's parent to administer a short-acting bronchodilator
23 or components in a respiratory distress emergency.

24 (h) The private school and its employees and agents who
25 act in good faith are not liable for any injury arising from the
26 use or non-use of a short-acting bronchodilator or components
27 administered by trained school personnel who follow the adopted
28 protocol and whose professional opinion is that the student is
29 experiencing respiratory distress:

30 1. Unless the trained school personnel's action is willful
31 and wanton.

32 2. Notwithstanding that the parents of the student to whom
33 the short-acting bronchodilator is administered have not been
34 provided notice or have not signed a statement acknowledging
35 that the private school is not liable.

36 3. Regardless of whether authorization has been given by
37 the student's parents or by the student's physician, physician
38 assistant, or advanced practice registered nurse.

39 (i) Any authorized healthcare practitioner who prescribes,

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7025 PCB EQS 24-01 Education

SPONSOR(S): Education Quality Subcommittee, Trabulsy

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1444

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Quality Subcommittee	17 Y, 1 N	Blalock	Sanchez
1) Choice & Innovation Subcommittee		Blalock	Sleap
2) Education & Employment Committee			

SUMMARY ANALYSIS

In 2023, the Florida Legislature passed House Bill 1 (Ch. 2023-16, Laws of Fla.), which included provisions regarding the deregulation of public schools. In an effort to provide more flexibility and efficiency and reduce unnecessary regulation, the bill required the State Board of Education to develop and recommend to the Governor and Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code, chapters 1000-1013, Florida Statutes.

The bill provides flexibility for district school boards to determine the adequate number of instructional materials in each classroom. It also provides superintendents with flexibility on instructional material reporting timeframes and removes the requirement for submitting a district school board plan for instructional materials use. The bill authorizes principals to determine collection of funds for lost or damaged instructional materials. In addition, the bill authorizes school districts to assess a processing fee for each objection to a material under certain circumstances.

The bill revises the requirement that summer Voluntary Prekindergarten (VPK) program providers administer the coordinated screening and progress monitoring (CSPM) system from 3 times per year to 2 times per year. The bill removes the requirement for administration of the common assessment for students in Department of Juvenile Justice (DJJ) prevention, residential, or day treatment programs, as well as the requirement that district school boards take action on a provider contract for DJJ educational programs that continue to underperform within 6 months after a monitoring plan. The bill also requires that any changes made by the State Board of Education (SBE) to components in the school grades model or the school grading scale must go into effect in the following school year, at the earliest.

The bill removes the requirement for a school district to offer a virtual instruction option. The bill removes the requirement that a virtual provider be nonsectarian. The bill also authorizes a school district virtual program to provide the equipment and access necessary for participation to any full-time student enrolled in the program, regardless of income status.

The bill revises the requirements that each Early Learning Coalition submit a School Readiness Plan to the Department of Education (DOE) and that the DOE review each plan every 3 years, rather than every 2 years.

The bill removes the requirement for the SBE to establish the tuition and out-of-state fees for developmental education and for credit instruction that may be counted toward certain post-secondary degrees. The bill also removes the requirement for the SBE to identify performance metrics for the Florida College System (FCS) and develop a plan that specifies goals and objectives for each FCS institution.

Finally, the bill repeals reporting relating to fine arts, charter technical career centers, middle grades career courses, academically high-performing school districts, Committee of Practitioners under the No Child Left Behind Act, and implementation of school improvement and accountability.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

In 2023, the Florida Legislature passed House Bill 1 (HB1) (Ch. 2023-16, Laws of Fla.), which included provisions regarding the deregulation of public schools. In an effort to provide more flexibility and efficiency and reduce unnecessary regulation, the bill required the State Board of Education (SBE) to develop and recommend to the Governor and Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code, chapters 1000-1013, Florida Statutes.

Pursuant to HB1, the Department of Education (DOE) reviewed the entirety of the Code and considered input from Florida teachers, superintendents, administrators, school boards, public and private postsecondary institutions, home educators, and other stakeholders. Following that review, the SBE developed recommendations for the deregulation of Florida public schools and provided them to the Governor and Legislature on November 1, 2023.¹

Instructional Materials

Present Situation

Instructional Materials Purchase and Reporting

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students.² Adequate instructional materials is defined as a sufficient number of student or site licenses or set of materials that are available in bound, unbound, kit or package form and may consist of textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media and computer courseware or software that serve as the basis for instruction for each student in the core subject areas.³ The core subject areas are mathematics, language arts, social studies, science, reading, and literature. Each district school board is required to purchase current instructional materials to provide each student in kindergarten through grade 12 with a major tool of instruction in core courses.⁴ Purchases are required to be made within the first 3 years after the effective date of the adoption cycle for instructional materials adopted by the state.⁵

Each district school board or a consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials.⁶ Procedures for the adoption of instructional materials by school districts or a consortium of school districts are specified in law.⁷

The district school superintendent is required to certify to the DOE annually by March 31 that all instructional materials for core courses used by the district are aligned with state standards.⁸ In addition, each district school superintendent is required to annually notify the DOE by April 1 of the state adopted materials that will be requisitioned for use in the district. The notification includes

¹ Florida Department of Education (DOE), *Recommendations to Reduce Regulation in Public Schools* (2023), available at https://flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

² Section 1006.28(2), F.S.

³ Section 1006.28(1)(a)1., F.S.

⁴ Section 1006.40(2), F.S.

⁵ Section 1006.40(2)-(3)(a), F.S.

⁶ Section 1006.283(1), F.S.

⁷ Section 1006.28(2), F.S.

⁸ Section 1006.283(1), F.S.

providing a plan for instructional materials use to verify that adequate instructional materials were requisitioned.⁹

Each school principal is charged with duties related to instructional materials including proper use of instructional materials, collections for lost or damaged materials, sale of materials, disposition of funds collected for materials, accounting for materials, and selection of library media center materials.¹⁰ For lost, destroyed, or unnecessarily damaged materials, the school principal is required to collect from each student or the student's parent the purchase price of the material. Failure to pay may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to district school board policies.¹¹

Objection to Materials

Each district school board is required to establish a process by which a parent or resident of the county may contest the district school board's adoption of a specific instructional material.¹² The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material. The school board must make the form available to the public and publish the form on the school district's website. The school board is required to conduct at least one open public hearing before an unbiased and qualified hearing officer that is not an employee or agent of the school district. Following the hearing, the school board's decision is made and not subject to further petition or review.¹³

In addition, each school district must have a process by which a parent or resident of the county can object to the use of a specific instructional material that was not subject to public adoption procedures or any other material used in a classroom, made available in a school library, or included on a reading list.¹⁴ If, through this process, the district school board finds that an instructional material does not meet state standards for adoption or that a material contains content harmful to a minor, is not suited to student needs and ability to comprehend the material, or is inappropriate for the grade level and age group it is used for, the district must discontinue the use of the material for that grade level or age group.¹⁵

Beginning June 30, 2023, the district school board must submit to the Commissioner of Education a report that identifies:

- each material for which the school district received an objection for the school year, including the grade level and course the material was used in and the grounds for the objection;
- each material that was removed or discontinued; and
- each material that was not removed or discontinued and the rationale for not removing or discontinuing the material.¹⁶

The DOE must publish and regularly update a list of materials that were removed or discontinued as a result of an objection and disseminate the list to school districts for consideration in their selection procedures.¹⁷

In fiscal year 2022-23, there were 1,218 objections in the state resulting in removal of 386 books. Over half of the objections came from two school districts, Clay and Escambia. Clay County District Schools

⁹ Section 1006.28(3)(b), F.S.

¹⁰ Section 1006.28(4), F.S.

¹¹ Section 1006.28(4)(b), F.S.

¹² Section 1006.28(2)(a)3., F.S.

¹³ *Id.*

¹⁴ Section 1006.28(2)(a)2., F.S.

¹⁵ *Id.*

¹⁶ Section 1006.28(2)(e)3., F.S.

¹⁷ *Id.*

reported 489 objections that resulted in removal of 177 book titles. Escambia County Public Schools reported 215 objections that resulted in the removal of 9 book titles.¹⁸

Effect of Proposed Changes

Instructional Materials Purchase and Reporting

The bill provides flexibility for district school boards to determine the adequate number of instructional materials in each classroom, which authorizes sharing of materials, if appropriate.

The bill changes from a specific date to annually, as determined by the superintendent, for each superintendent to certify to the DOE that all instructional materials for core courses are aligned with state standards and to notify the DOE of the state-adopted instructional materials requisitioned for use in his or her school district. The bill also removes the requirement that the notification must include a district school board plan for instructional materials use.

Finally, the bill authorizes the school principal to determine when the collection of the purchase price for lost, destroyed, or damaged materials is appropriate.

Objection to Materials

The bill authorizes school districts to assess a processing fee of \$100 for each objection to a material by a resident or parent whose student is not enrolled in the school where the material is located. The fee applies to each objection after the first 5. The bill also requires the school district to return the fee if the objection is upheld.

The bill requires that the DOE-published and regularly updated list of materials that were removed or discontinued as a result of an objection be sorted by grade level.

PreK-12 Assessment, School Improvement, and Accountability

Present Situation

Pre-K-12 Assessments

The DOE is required to operate a statewide assessment program designed to accurately measure the core curricula content of the state educational standards.¹⁹ Participation in the assessment program is mandatory for all school districts and all students attending public schools.²⁰

The statewide, standardized coordinated screening and progress monitoring (CSPM) system is used to measure student progress in public schools and in the Voluntary Prekindergarten (VPK) program to identify the educational strengths and needs of students.²¹ The system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts (ELA) and mathematics standards. For students in VPK through grade 3, the system measures student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level. The system must be administered at least three times in the school year and summer VPK programs.²²

Student Assessment for Department of Juvenile Justice Programs

¹⁸ DOE, *2022-2023 School District Reporting Pursuant to Section 1006.28(2), Florida Statutes (2023)*, available at <https://www.fldoe.org/core/fileparse.php/5574/urlt/2223ObjectionList.pdf>.

¹⁹ Section 1008.22(3), F.S.

²⁰ *Id.*

²¹ Section 1008.25(8)(a)1., F.S.

²² Section 1008.25(9)(b), F.S.; see rule 6M-8.620, F.A.C.

The SBE must adopt rules prescribing expectations for education programs in Department of Juvenile Justice (DJJ) prevention, day treatment, residential, and detention programs.²³ The rules include, but are not limited to, assessment procedures that require:

- A common assessment for students in DJJ prevention, residential, or day treatment programs with a career assessment and academic assessment designed to benchmark student-level learning gains in ELA and mathematics between entry and exit from a DJJ education program.²⁴
- A determination of areas of academic need and strategies for intervention and instruction for students in a DJJ detention center.

The DOE, with school districts and juvenile justice education providers, selects an assessment instrument to measure learning gains in ELA and mathematics for a student in a juvenile justice education program.²⁵ Not only must students complete the common assessment, but all students in DJJ programs must participate in the statewide, standardized CSPM system as well as assessments for high school graduation.²⁶ The results of these assessments, together with a portfolio depicting the student's academic and career accomplishments, must be included in the discharge packet assembled for each student.²⁷

SBE rules must also include an accountability system with a series of graduated sanctions for district school boards whose educational programs in DJJ programs are considered to be unsatisfactory and if district school boards fail to meet standards prescribed by law, rule, or SBE policy. These sanctions include the option of requiring a district school board to contract with a provider or another district school board within 6 months if the educational program at the DJJ program continues to perform below minimum standards at the end of a 3-year monitoring period.²⁸

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.²⁹ School grades are also used to determine whether a school must select or implement a turnaround option³⁰ or whether a school is eligible for school recognition funds as appropriated by the Legislature.³¹

Elementary, middle and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.³² Combination school models include the additional components for the grades served (e.g., a school serving grades k-12 would include the additional components for the middle and high school models).

Each school must receive a school grade based on the school's performance on the following components:³³

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.

²³ Section 1003.51(2), F.S.

²⁴ Section 1003.51(2)(g)1. *See also* Florida Department of Education, *FAQs on the Common Assessment for DJJ Programs*, available at <https://www.fldoe.org/schools/k-12-public-schools/school-improvement/faq.stml> (last visited Dec. 20, 2023).

²⁵ Section 1003.52(3)(d), F.S.

²⁶ Rule 6A-6.05281, F.A.C.

²⁷ Section 1003.51(2)(g)2., F.S.

²⁸ Section 1003.51(2)(r), F.S. *See also* Rule 6A-1.099813, F.A.C.

²⁹ Section 1008.34(1), F.S.

³⁰ *See* s. 1008.33(4), F.S.

³¹ *See* s. 1008.36, F.S.

³² *See* s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

³³ Section 1008.34(3)(b)1.a.-j., F.S.

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

For a school comprised of grades 9-12 or 10-12, the school's grade is also based on the following components:³⁴

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

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.³⁵

Effect of Proposed Changes

Pre-K-12 Assessments

The bill revises the requirement that summer VPK program providers administer the CSPM system from 3 times per year to 2 times per year, once at the beginning and once at the end of the summer program. Administering the CSPM system 3 times per year during the shortened summer program adds no instructional value and will not provide sufficient time between administrations to make data informed decisions.

Student Assessment for Department of Juvenile Justice Programs

The bill removes the requirement for duplicative assessments of students in DJJ programs. Students in DJJ programs are required to take the same statewide assessments as all public school students. Under Florida's new statewide CSPM system, the common assessment requirement is no longer needed and removing it is consistent with the goal of reducing testing. The bill also revises the requirements for which assessment results must be included in a student's discharge packet.

The bill also removes the requirement that SBE rule include a provision that district school boards, for programs that still fail to meet standards, take action on a provider contract within six months after a monitoring plan. This will provide greater flexibility to the SBE to determine improvement measures for district school board education programs.

School Grades

The bill requires that any changes made by the SBE to components in the school grades model or to the school grading scale must go into effect in the following school year, at the earliest.

Education Choice and Virtual Instruction Programs

³⁴ Section 1008.34(3)(b)2., F.S.

³⁵ Section 1008.34(3)(c)1., F.S.

Present Situation

Academically Challenging Curriculum to Enhance Learning (ACCEL) Options

Each Florida school is required to offer Academically Challenging Curriculum to Enhance Learning (ACCEL) options.³⁶ At a minimum each school must offer ACCEL options that include but are not limited to: whole grade and midyear promotion; subject matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. Parents may request student participation in an ACCEL option. However, when the option is requested by the parent, a performance contract must be executed between the student, parent, and principal. At a minimum, the performance contract must require compliance with:

- Minimum student attendance requirements.
- Minimum student conduct requirements.
- ACCEL option requirements established by the principal, which may include participation in extracurricular activities, educational outings, field trips, interscholastic competitions, and other activities related to the ACCEL option selected.³⁷

Virtual Instruction Programs

Virtual instruction programs are programs of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time, space, or both.³⁸ Under Florida law³⁹, a school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

- School district operated part-time or full-time virtual instruction programs for kindergarten through grade 12 students enrolled in the school district. A full-time program must operate under its own Master School Identification Number.
- Florida Virtual School instructional services.
- Blended learning instruction provided by charter schools.
- Virtual charter school instruction.
- Courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques.
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state.⁴⁰

School districts are required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.⁴¹ School districts must also provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year.⁴² To be approved, a virtual instruction program provider must document that it is nonsectarian in its programs, admission policies, employment practices, and operations.⁴³

School district virtual instruction programs must meet the following requirements:⁴⁴

- Align virtual course curriculum and course content to the state academic standards.
- Offer instruction that is designed to enable a student to gain proficiency in each virtual instruction course of study.

³⁶ Section 1002.3105, F.S.

³⁷ Section 1002.3105(4)(c), F.S.

³⁸ Section 1002.45(1)(a)3., F.S.

³⁹ Ch. 2011-137, L.O.F.

⁴⁰ Section 1002.321(3), F.S.

⁴¹ Section 1002.45(1)(b)1., F.S.

⁴² *Id.*

⁴³ Section 1002.45(2)(a)1., F.S.

⁴⁴ Section 1002.45(3), F.S.

- Provide each student enrolled in the virtual instruction program with all the necessary instructional materials.
- Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:
 - All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and
 - Access to or reimbursement for all Internet services necessary for online delivery of instruction.

In 2023, the Legislature removed the requirement that a student take at least one online course in order to graduate with a standard high school diploma.⁴⁵

Effect of Proposed Changes

Academically Challenging Curriculum to Enhance Learning (ACCEL) Options

The bill removes the requirement for a performance contract to be executed between the student, parent, and principal when the request for an ACCEL option is made by the parent. Instead a performance contract may be used at the principal's discretion. This aligns with the flexibility offered to a principal for a school-initiated ACCEL option.

Virtual Instruction Programs

The bill removes the requirement for a school district to establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. The bill also removes the requirement for the school district to offer a virtual option since the Legislature removed the virtual course requirement for graduation. These changes provide school districts with more flexibility and ability to compete.

The bill removes the requirement for a virtual provider to document that it is nonsectarian in its programs, admission policies, employment practices, and operations.

Finally, the bill authorizes a school district virtual program to provide the equipment and access necessary for participation to any full-time student enrolled in the program, not limited to those meeting specified criteria.

School District and Department of Education Required Reports

Present Situation

Fine Arts Report

The Commissioner of Education (commissioner) is required to prepare an annual report that includes a description, based on annual reporting by schools, of student access to and participation in fine arts courses, which are visual arts, music, dance, and theatre courses; the number and certification status of educators providing instruction in the courses; educational facilities designed and classroom space equipped for fine arts instruction; and the manner in which schools are providing the core curricular content for fine arts established in the state academic standards. The report is to be posted on the DOE's website and updated annually through the Know Your Schools portal.⁴⁶

Charter Technical Career Centers Report

⁴⁵ Ch. 2023-16, L.O.F.

⁴⁶ Section 1003.4995, F.S.

A charter technical career center is a public school or a public technical center operated under a charter granted by a district school board or Florida College System (FCS) institution board of trustees, or a consortium of districts and FCS institutions.⁴⁷

The commissioner must provide for an annual comparative evaluation of charter technical career centers and public technical centers. By December 30 of each year, the commissioner must submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Senate and House committees that have responsibility for secondary and postsecondary career and technical education a report of the comparative evaluation completed for the previous school year.⁴⁸ There is only one charter technical center operating in Florida, Lake Technical College.⁴⁹

Middle Grades Career and Professional Academy Courses and Career-Themed Courses Report

Each district school board, in collaboration with local workforce development boards, economic development agencies, and state-approved postsecondary institutions, are required to include plans to implement a career and professional academy or a career-themed course in at least one middle school in the district as part of the strategic 3-year plan.⁵⁰ The DOE is required to collect and report student achievement data for students enrolled in an academy or a career-themed course.⁵¹

Academically High-Performing School District Report

A school district is an academically high-performing school district if it meets the following criteria:⁵²

- Earns a grade of “A” for 2 consecutive years; and has no district-operated school that earns a grade of “F”;
- Complies with all class size requirements in s. 1, Art. IX of the State Constitution; and
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit conducted.

After a school district is determined to be an academically high-performing school district, it is required to submit to the SBE and the Legislature an annual report on December 1 which delineates the performance of the school district relative to the academic performance of students at each grade level in reading, writing, mathematics, science, and any other subject that is included as a part of the statewide assessment program.⁵³

Committee of Practitioners Pursuant to the Federal No Child Left Behind Act

The DOE is required to establish a committee of practitioners pursuant to federal requirements of the No Child Left Behind Act of 2001. The committee members shall be appointed by the commissioner and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1. The committee is required to meet regularly and is authorized to review potential rules and policies that will be considered by the SBE.⁵⁴

Implementation of State System of School Improvement and Education Accountability

⁴⁷ Section 1002.34(3)(a), F.S.

⁴⁸ Section 1002.34(19), F.S.

⁴⁹ Florida Department of Education, *A Comparison of State of Florida Charter Technical Career Centers to District Non-Charter Career Centers, Program Year 2021-2022*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/charterreview22.pdf>.

⁵⁰ Section 1003.4935(1), F.S.

⁵¹ Section 1003.4935(3), F.S.

⁵² Section 1003.621(1), F.S.

⁵³ Section 1003.621(4), F.S.

⁵⁴ Section 1008.332, F.S.

The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.⁵⁵ The DOE must provide an annual feedback report that includes the following:⁵⁶

- For each school district:
 - The percentage of students, by school and grade level, demonstrating learning growth in ELA and mathematics.
 - The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in ELA and mathematics.
 - The information contained in the school district's required annual report to the parent of each student on the progress of the student toward achieving state and district expectations for proficiency in ELA, science, social studies, and mathematics.⁵⁷
- Intervention and support strategies used by school districts whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.
- Intervention and support strategies used by school districts whose schools provide educational services to youth in DJJ programs that demonstrate learning growth in ELA and mathematics that exceeds the statewide average learning growth for students in those subjects.
- Intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a substantial reading deficiency.

The commissioner must review each district school board's feedback report and submit findings to the SBE. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the SBE will direct the commissioner to prepare and implement a corrective action plan. The commissioner and SBE must monitor the development and implementation of the corrective action plan.⁵⁸

The commissioner will assign a community assessment team to each school district or governing board with a school that earned a grade of "D" or "F" to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The team will make recommendations to the school board or the governing board and to the SBE based on the interventions and support strategies identified in the feedback report to address the causes of the school's low performance and to incorporate the strategies into the school improvement plan. The assessment team must include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and must represent the demographics of the community from which they are appointed.⁵⁹

Effect of Proposed Changes

The bill repeals the following required reports:

- Fine Arts Report.
- Charter Technical Career Centers Report.
- Middle Grades Career and Professional Academy Courses and Career-Themed Courses Report.
- Academically High-Performing School District Report.

All of the data used for these reports will still be available to the general public through the Know Your Schools Portal and the PK-12 Public School Data Publications and Reports on the DOE website, or can be provided upon request by the DOE.

⁵⁵ Section 1008.345, F.S.

⁵⁶ Section 1008.345(5), F.S.

⁵⁷ Section 1008.25(10), F.S.

⁵⁸ Section 1008.345(4), F.S.

⁵⁹ Section 1008.345(6)(d), F.S.

The bill removes the requirement for an annual report from the committee of practitioners pursuant to the federal requirements of the No Child Left Behind Act as this report is neither required in federal law nor necessary. The bill also updates references to the Every Student Succeeds Act of 2015.

The bill removes the requirement that the DOE develop an annual feedback report on progress toward implementing and maintaining a system of school improvement and education accountability as this data is available through the Know Your Schools Portal and the information collected by the DOE is sufficient to inform the SBE and Legislature on the state of school improvement and necessary policy revisions.

Finally, the bill removes the use of feedback reports when community assessment teams are making recommendations to the school board or the governing board and to the SBE to address the causes of a school's low performance.

School District Programs

Present Situation

Competency Based Pilot Program

Beginning with the 2016-2017 school year, the Competency-Based Education Pilot Program was created within the DOE to be administered for a period of 7 years, through the 2022-23 school year. The purpose of the pilot program was to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.⁶⁰ The program was open to the following school districts:⁶¹

- The P.K. Yonge Developmental Research School
- Lake County School District
- Palm Beach County School District
- Pinellas County School District
- Seminole County School District

The last year of the program was the 2022-23 school year.

Single-Gender Programs

Florida allows a district school board to establish and maintain a non-vocational class, extracurricular activity, or school for elementary, middle, or high school students in which enrollment is limited to a single gender if the school district also makes available a substantially equal:⁶²

- Single-gender class, extracurricular activity, or school to students of the other gender; and
- Coeducational class, extracurricular activity, or school to all students.

Art in the Capitol Competition

The Art in the Capitol Competition is a statewide visual arts competition for students in grades 6 through 8, administered by the Department of Management Services and the DOE. Each school district must annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8.⁶³

Effect of Proposed Changes

⁶⁰ Section 1003.4996, F.S.

⁶¹ Section 1003.4996(1), F.S.

⁶² Sections 1000.05 and 1002.311, F.S.

⁶³ Section 1003.49965, F.S.

The bill repeals the competency-based pilot program as 2022-23 was the last year of the pilot and it was not extended in statute. It also repeals the state authorization for single-gender programs as it is unnecessary and duplicative of federal law. School districts may still offer single-gender classes, activities, or schools as long as they comport with applicable federal law.⁶⁴ Finally, the bill makes the Art in the Capitol Competition optional for school districts.

School Readiness Oversight

Present Situation

Established in 1999,⁶⁵ 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, abandonment, or homelessness; foster children; and children with disabilities.⁶⁶ The School Readiness Program offers financial assistance for child care to these families while supporting children in the development of skills for success in school. Additionally, the program provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, Migrant Head Start, Child Care Resource and Referral (CCR&R), and the VPK Program.⁶⁷

The School Readiness Program is a state-federal partnership between the DOE and the Office of Child Care of the United States Department of Health and Human Services.⁶⁸ It is administered by early learning coalitions (ELCs) at the county or regional level.⁶⁹ The DOE's Division of Early Learning (DEL) is the lead administrator of the program at the state level, including statewide coordination of the ELCs.⁷⁰

Department of Education Oversight

The DOE is the lead agency in Florida for administering the federal Child Care and Development Block Grant (CCDBG), from which funds are used to implement the School Readiness Program. Florida law requires the DOE to focus on improving the educational quality of all program providers participating in the School Readiness Program while preserving parental choice by permitting parents to choose from a variety of child care categories.⁷¹

The DOE must adopt, in rule, a statewide provider contract to be used by each School Readiness Program provider, review and approve each ELC's School Readiness Plan every 2 years, monitor and evaluate the performance of each ELC in administering the School Readiness Program and the VPK Program, and identify valid, reliable, observation-based child assessments.⁷²

Early Learning Coalition Oversight

⁶⁴ 34 C.F.R. s.106.34 provides federal provisions for education programs for students on the basis of their sex.

⁶⁵ Section 1, ch. 99-357, L.O.F.

⁶⁶ Sections 1002.81 and 1002.87, F.S.

⁶⁷ Florida Department of Education, Division of Early Learning, *What is School Readiness (SR)?*, <https://www.fldoe.org/schools/early-learning/parents/school-readiness.stml> (last visited Dec. 20, 2023).

⁶⁸ Section 1002.82(1), F.S., U.S. Department of Health and Human Services, Office of Child Care (OCC), *OCC Fact Sheet*, <http://www.acf.hhs.gov/programs/occ/fact-sheet-occ> (last visited Dec. 20, 2023).

⁶⁹ Section 1002.83(1), F.S.

⁷⁰ Section 1002.82(1), F.S., *see also* Florida Department of Education, Division of Early Learning, *What is School Readiness (SR)?*, <https://www.fldoe.org/schools/early-learning/parents/school-readiness.stml> (last visited Dec. 20, 2023).

⁷¹ Section 1002.82(1) and (2)(a)-(b), F.S. Care and curriculum by a faith-based provider must not be limited or excluded in any of these categories.

⁷² Section 1002.82(2)(e), (k), (m), and (s), F.S.

Each ELC administers the School Readiness Program,⁷³ the VPK Program,⁷⁴ and the CCR&R Program in its county or multicounty region.⁷⁵ There are currently 30 ELCs.⁷⁶ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives. Three board members, including the chair, are appointed by the Governor.⁷⁷

In order to participate in the School Readiness Program, each ELC must biennially submit a School Readiness Plan to the DOE for approval.⁷⁸ The plan must include, but is not limited to:

- The ELC's operations, including its membership and articles of incorporation and bylaws, if applicable.
- The minimum number of children to be served by care level.
- The procedures for implementing program requirements such as single point of entry, uniform waiting list, eligibility and enrollment processes and local eligibility priorities, parent access and choice, sliding fee scale, payment rate, use of preassessments and postassessments, as applicable, and the use of contracted slots based on the ELC's assessment of local priorities.
- A detailed description of the ELC's quality activities and services, including resource and referral and school-age child care, infant and toddler early learning, inclusive early learning programs, and quality improvement strategies that strengthen teaching practices and increase child outcomes.
- A detailed budget outlining the estimated expenditures for state, federal, and local matching funds.
- A detailed accounting of all revenues and expenditures during the previous state fiscal year.
- Updated policies and procedures governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.
- A description of the procedures for monitoring school readiness program providers, including in response to a parental complaint, to determine that standards are met using a standard monitoring tool adopted by the department.
- Documentation that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.
- An assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.⁷⁹

Effect of Proposed Changes

The bill revises the requirement that each ELC submit a School Readiness Plan to the DOE from every 2 years to every 3 years. The bill also revises the requirement that the DOE review each ELC's School Readiness Plan from every 2 years to every 3 years. These changes align the review process with the DOE's submission of the federal Child Care and Development Fund (CCDF) Plan. In addition, the bill requires the ELCs to provide a detailed accounting of all revenues and expenditures during the 2 previous state fiscal years, rather than just the previous fiscal year. This aligns with the shift of the plan submission and review from every 2 years to every 3 years.

Florida College System Governance

Present Situation

⁷³ Part VI, ch. 1002, F.S.

⁷⁴ Part V, ch. 1002, F.S.

⁷⁵ Section 1002.84, F.S.

⁷⁶ Florida Department of Education, Division of Early Learning, *Early Learning Coalitions Directory*, available at <https://www.fldoe.org/core/fileparse.php/20648/urlt/ELCDirectory.pdf>. Florida law permits the establishment of 30 or fewer ELCs. Section 1002.83(1), F.S.

⁷⁷ Section 1002.83(3), F.S. In the absence of a governor-appointed chair, the Commissioner of Education may appoint an interim chair from the current ELC board membership.

⁷⁸ Section 1002.85(2), F.S.

⁷⁹ *Id.*

State Board of Education Duties

The State Board of Education (SBE) is the constitutional entity charged with supervising the system of free public schools in Florida.⁸⁰ In this role, it coordinates and implements public education in Florida, except for the State University System. The SBE establishes objectives and long-range plans, appoints the Commissioner of Education, annually develops a coordinated K-20 budget, and oversees the Florida Department of Education (DOE).⁸¹ The SBE has rulemaking authority to carry out these functions⁸² and implements accountability measures based primarily on student achievement for Florida's K-20 public education system, which includes K-12 free public schools and the Florida College System (FCS).⁸³

Specifically, the SBE has education and oversight authority over school districts and the FCS concerning performance and compliance with laws. This includes the authority of the commissioner to investigate allegations of noncompliance; order compliance within a specified timeframe; and withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, and other funds deemed eligible by the Legislature until compliance is achieved.⁸⁴

The SBE is responsible for reviewing and administering the state program of support for the FCS institutions and, subject to existing law, must establish the tuition and out-of-state fees for developmental education and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.⁸⁵ The SBE is also charged with identifying performance metrics for the FCS and developing a plan that specifies goals and objectives for each FCS institution.⁸⁶

Florida College System Institution Student Fees

Florida Statute provides requirements for establishing tuition and fees at FCS institutions.⁸⁷ This applies to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree, or a baccalaureate degree authorized pursuant to s. 1007.33, for noncollege credit developmental education defined in s. 1004.02, and for educator preparation institute programs defined in s. 1004.85.⁸⁸

Tuition and out-of-state fees for upper-division courses must reflect the fact that the FCS institution has a less expensive cost structure than that of a state university. Therefore, the board of trustees shall establish tuition and out-of-state fees for upper-division courses in approved baccalaureate degree programs consistent with law and proviso language in the General Appropriations Act. However, the board of trustees may vary tuition and out-of-state fees only as provided in statute.⁸⁹ Each FCS institution board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established in statute.⁹⁰

Any proposal or action of a FCS institution to raise, impose, or authorize any fee, as authorized by law, except for tuition, must be approved by a supermajority vote of the members of the board of trustees of the institution, if approval by the board of trustees is required by general law, and at least a

⁸⁰ See Fla. Const. Art. IX, s. 2; s. 1001.02(1), F.S.

⁸¹ See s. 1001.02, F.S.

⁸² Section 1001.02(1), F.S.

⁸³ See ss. 1008.31 and 1008.32, F.S.

⁸⁴ See s. 1008.32(2)-(4), F.S.

⁸⁵ Section 1001.02(5), F.S.

⁸⁶ Section 1001.03(17), F.S.

⁸⁷ Section 1009.23, F.S.

⁸⁸ Section 1009.23(1), F.S.

⁸⁹ Section 1009.23(2)(b), F.S.

⁹⁰ Section 1009.23(4), F.S.

supermajority vote of the members of the SBE, if approval by the SBE is required by general law, in order to take effect.⁹¹

Florida College System Institution Accountability Process

The SBE and the FCS institution boards of trustees must develop and implement an accountability plan to improve and evaluate the instructional and administrative efficiency and effectiveness of the FCS. The SBE must also submit an annual report, at the same time as the agency strategic plan required by law,⁹² providing the results of initiatives taken during the prior year and the initiatives and related objective performance measures proposed for the next year. Within the annual evaluation, the SBE must address the performance of the FCS executive director, and the FCS institution boards of trustees must address the performance of the presidents, in the achievement of the performance goals established by the accountability process.⁹³

Baccalaureate Degree Access

In 2001, the Legislature authorized a process by which community colleges could seek approval by the SBE to grant baccalaureate degrees in limited areas. In that same legislation, St. Petersburg Junior College was re-established as St. Petersburg College and its Board of Trustees was authorized to establish one or more bachelor of applied science degree programs based on an analysis of workforce needs in Pinellas, Pasco, and Hernando Counties and other counties approved by the DOE.⁹⁴

Effect of Proposed Changes

The bill removes the requirement for the SBE to establish the tuition and out-of-state fees for developmental education and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree. This language is outdated and unnecessary, as the SBE does not set tuition and fees, rather these are established pursuant to s. 1009.23, F.S. The bill removes the requirement for the SBE to identify performance metrics for the FCS and develop a plan that specifies goals and objectives for each FCS institution. This provision conflicts with the statutory requirement that the SBE include the FCS in its strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions.⁹⁵

The bill also removes obsolete language referring to the Executive Director of the Florida College System and regarding a special baccalaureate approval process for St. Petersburg College that was put in place when bachelor's degrees were first authorized in the FCS. Florida colleges have been granted authorization from the Legislature to offer bachelor's degrees to meet local and regional workforce need and demand.⁹⁶

Automotive Service Technology Education Programs

Present Situation

All automotive service technology programs are required to be industry certified in accordance with rules adopted by the SBE. New programs and programs in the process of becoming certified have 3 years to do so. Students enrolled in a program that is not certified are not eligible to be reported for state funding.⁹⁷

⁹¹ Section 1009.23(21), F.S.

⁹² Section 1001.02(3), F.S.

⁹³ Section 1008.45, F.S.

⁹⁴ Section 1007.33, F.S.; *see also* Florida Department of Education, *History of the Need for Baccalaureates Policy Paper* (2005), available at <https://www.fldoe.org/core/fileparse.php/5592/urlt/0082822-histbacc.pdf>.

⁹⁵ Section 1001.02(3), F.S.

⁹⁶ Section 1007.33, F.S.

⁹⁷ Section 1004.925, F.S.

Effect of Proposed Changes

The bill repeals this section of law as it is not necessary for program quality as this is not required for any other unregulated training program.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 1001.02, F.S., deleting a requirement that the State Board of Education establish the cost of tuition and fees for developmental education and credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.
- Section 2:** Amends s. 1001.03, F.S., deleting a requirement that the state board identify performance metrics for the Florida College System and develop a plan that specifies goals and objectives for each Florida College System institution.
- Section 3:** Amends s. 1002.3105, F.S., deleting a requirement that a performance contract must be executed between the student, parent, and principal when the request for an Academically Challenging Curriculum to Enhance Learning (ACCEL) option is made by the parent; providing that a performance contract may be used at the discretion of the principal.
- Section 4:** Repeals s. 1002.311, F.S., relating to single-gender programs.
- Section 5:** Amends s. 1002.34, F.S., deleting a requirement for the Commissioner of Education to provide for an annual comparative evaluation of charter technical career centers and public technical centers.
- Section 6:** Amends s. 1002.45, F.S., deleting a requirement that school districts offer a virtual instruction program; deleting a requirement that a virtual instruction program provider document that it is nonsectarian in its programs, admission policies, employment practices; and operations; authorizing a school district virtual program to provide the equipment and access necessary for participation to any full-time student enrolled in the program.
- Section 7:** Amends s. 1002.82, F.S., requiring the Department of Education to review school readiness program plans every 3 years, rather than every 2 years.
- Section 8:** Amends s. 1002.85, F.S., requiring early learning coalitions to submit school readiness program plans to the department every 3 years, rather than every 2 years; requiring early learning coalitions to provide a detailed accounting of all revenues and expenditures during the 2 previous state fiscal years, rather than just the previous fiscal year, in their school readiness program plans.
- Section 9:** Amends s. 1003.4935, F.S., deleting a requirement that the Department of Education collect and report student achievement data for students enrolled in a middle school career and professional academy or a career-themed course.
- Section 10:** Repeals s. 1003.4995, F.S., relating to the fine arts report prepared by the Commissioner of Education.
- Section 11:** Repeals s. 1003.4996, F.S., relating to the Competency-Based Education Pilot Program.
- Section 12:** Amends s. 1003.49965, F.S., authorizing, rather than requiring, a school district to hold an Art in the Capitol Competition.
- Section 13:** Amends s. 1003.51, F.S., deleting a requirement for administration of the common assessment for students in Department of Juvenile Justice (DJJ) prevention, residential,

or day treatment programs; revising requirements for which assessment results must be included in a student's discharge packet; providing the DOE and DJJ with the authority to develop an accountability system for all programs specifically by removing the reference to a 6 month timeline for a district school board to take action on a provider contract for a DJJ educational program performing below minimum standards.

- Section 14:** Amends s. 1003.621, F.S., deleting a requirement for academically high-performing school districts to submit an annual report to the state board.
- Section 15:** Repeals s. 1004.925, F.S., relating to automotive service technology education programs and certification.
- Section 16:** Amends s. 1006.28, F.S., providing flexibility for district school boards to determine the adequate number of instructional materials in each classroom; authorizing school districts to assess a processing fee of \$100 for each objection to a material after the first 5 by a resident or parent whose student is not enrolled in the school where the material is located; requiring the school district to return the fee if the objection is upheld; requiring that the list of materials that were removed or discontinued as a result of an objection, published and regularly updated by the Department of Education, be sorted by grade level; changing from a specific date to annually for each superintendent to notify the department of requisitioned state-adopted materials; deleting a requirement that such notification must include a district school board plan for instructional materials use; authorizing, rather than requiring, a school principal to collect the purchase price of instructional materials lost, destroyed, or unnecessarily damaged by a student.
- Section 17:** Amends s. 1006.283, F.S., changing from a specific date to annually for each superintendent to certify to the department that all instructional materials for core courses are aligned with state standards.
- Section 18:** Amends s. 1007.33, F.S., deleting a provision authorizing the Board of Trustees of St. Petersburg College to establish certain baccalaureate degree programs.
- Section 19:** Amends s. 1008.25, F.S., revising the requirement for administering the coordinated screening and progress monitoring (CSPM) system from 3 times to 2 times per year for the summer Voluntary Prekindergarten (VPK) program.
- Section 20:** Amends s. 1008.31, F.S., revising a provision relating to the No Child Left Behind Act of 2001.
- Section 21:** Amends s. 1008.332, F.S., revising a provision relating to the No Child Left Behind Act to relate to the Every Student Succeeds Act; deleting a requirement for the committee of practitioners to annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Section 22:** Amends s. 1008.34, F.S., requiring that any changes made by the state board to components in the school grades model or to the school grading scale must go into effect in the following school year, at the earliest; conforming cross references.
- Section 23:** Amends s. 1008.345, F.S., deleting a requirement for the Department of Education to develop an annual feedback report; deleting a requirement for the Commissioner of Education to review specified feedback reports and submit findings to the State Board of Education; deleting certain requirements for a report the commissioner produces annually for the state board and Legislature; deleting the use of feedback reports when community assessment teams are making recommendations to the school board or the governing board and to the state board; conforming a cross reference.

- Section 24:** Amends s. 1008.45, F.S., deleting outdated language referencing the Executive Director of the Florida College System.
- Section 25:** Amends s. 1000.05, F.S., conforming cross-references and provisions to changes made by the act.
- Section 26:** Amends s. 1002.31, F.S., conforming cross-references and provisions to changes made by the act.
- Section 27:** Amends s. 1002.321, F.S., conforming cross-references and provisions to changes made by the act.
- Section 28:** Amends s. 1002.33, F.S., conforming cross-references and provisions to changes made by the act.
- Section 29:** Amends s. 1002.455, F.S., conforming cross-references and provisions to changes made by the act.
- Section 30:** Amends s. 1008.22, F.S., conforming cross-references and provisions to changes made by the act.
- Section 31:** Amends s. 1008.37, F.S., conforming cross-references and provisions to changes made by the act.
- Section 32:** Amends s. 1013.841, F.S., conforming cross-references and provisions to changes made by the act.
- Section 33:** Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide any additional rulemaking authority, however, rules adopted under existing authority will need to be amended to conform with the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

26 | amending s. 1002.82, F.S.; requiring the Department of
27 | Education to review school readiness program plans
28 | every 3 years, rather than every 2 years; amending s.
29 | 1002.85, F.S.; requiring early learning coalitions to
30 | submit school readiness program plans to the
31 | department every 3 years, rather than every 2 years;
32 | amending s. 1003.4935, F.S.; deleting a requirement
33 | that the department collect and report certain data
34 | relating to a middle school career and professional
35 | academy or a career-themed course; repealing s.
36 | 1003.4995, F.S., relating to the fine arts report
37 | prepared by the Commissioner of Education; repealing
38 | s. 1003.4996, F.S., relating to the Competency-Based
39 | Education Pilot Program; amending s. 1003.49965, F.S.;
40 | authorizing, rather than requiring, a school district
41 | to hold an Art in the Capitol Competition; amending s.
42 | 1003.51, F.S.; deleting a requirement regarding
43 | assessment procedures for Department of Juvenile
44 | Justice education programs; revising requirements for
45 | which assessment results must be included in a
46 | student's discharge packet; revising requirements for
47 | when a district school board must face sanctions for
48 | unsatisfactory performance in its Department of
49 | Juvenile Justice programs; amending s. 1003.621, F.S.;
50 | deleting a requirement for academically high-

51 performing school districts to submit an annual report
52 to the state board; repealing s. 1004.925, F.S.,
53 relating to automotive service technology education
54 programs and certification; amending s. 1006.28, F.S.;
55 revising the definition of the term "adequate
56 instructional materials"; authorizing school districts
57 to assess a processing fee for certain objections to
58 materials; providing requirements for the assessment
59 of such fee; providing for the return of such fee
60 under certain circumstances; requiring certain
61 information published and regularly updated by the
62 Department of Education to be sorted by grade level;
63 deleting a timeframe requirement for each district
64 school superintendent to notify the department about
65 instructional materials; deleting a requirement for
66 such notification; authorizing, rather than requiring,
67 a school principal to collect the purchase price of
68 instructional materials lost, destroyed, or
69 unnecessarily damaged by a student; amending s.
70 1006.283, F.S.; deleting a timeframe requirement for a
71 district school superintendent to certify to the
72 department that certain instructional materials meet
73 applicable state standards; amending s. 1007.33, F.S.;
74 deleting a provision authorizing the Board of Trustees
75 of St. Petersburg College to establish certain degree

76 programs; amending s. 1008.25, F.S.; revising
77 requirements for the administration of the coordinated
78 screening and progress monitoring system; providing
79 requirements for the administration of such system for
80 students in the summer prekindergarten program;
81 amending s. 1008.31, F.S.; revising a provision
82 relating to the "No Child Left Behind Act of 2001";
83 amending s. 1008.332, F.S.; revising a provision
84 relating to the No Child Left Behind Act to relate to
85 the Every Student Succeeds Act; deleting a requirement
86 for certain committee members to annually report to
87 specified entities; amending s. 1008.34, F.S.;
88 requiring that certain changes made by the state board
89 to components in the school grades model or to the
90 school grading scale go into effect in the following
91 school year or later; conforming cross-references;
92 amending s. 1008.345, F.S.; deleting a requirement for
93 the department to develop an annual feedback report;
94 deleting a requirement for the Commissioner of
95 Education to review specified feedback reports and
96 submit findings to the state board; deleting certain
97 requirements for a report the commissioner produces
98 annually for the state board and Legislature; revising
99 what information certain community assessment team
100 recommendations are based on; amending s. 1008.45,

101 F.S.; deleting a requirement that the state board
 102 provide a specified annual evaluation; amending ss.
 103 1000.05, 1002.31, 1002.321, 1002.33, 1002.455,
 104 1008.22, 1008.37, and 1013.841, F.S.; conforming
 105 provisions and cross-references to changes made by the
 106 act; providing an effective date.

107

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

109

110 Section 1. Subsection (5) of section 1001.02, Florida
 111 Statutes, is amended to read:

112 1001.02 General powers of State Board of Education.—

113 (5) The State Board of Education is responsible for
 114 reviewing and administering the state program of support for the
 115 Florida College System institutions and, ~~subject to existing~~
 116 ~~law, shall establish the tuition and out-of-state fees for~~
 117 ~~developmental education and for credit instruction that may be~~
 118 ~~counted toward an associate in arts degree, an associate in~~
 119 ~~applied science degree, or an associate in science degree.~~

120 Section 2. Subsection (17) of section 1001.03, Florida
 121 Statutes, is amended to read:

122 1001.03 Specific powers of State Board of Education.—

123 ~~(17) PLAN SPECIFYING GOALS AND OBJECTIVES. By July 1,~~
 124 ~~2013, the State Board of Education shall identify performance~~
 125 ~~metrics for the Florida College System and develop a plan that~~

126 ~~specifies goals and objectives for each Florida College System~~
127 ~~institution. The plan must include:~~

128 ~~(a) Performance metrics and standards common for all~~
129 ~~institutions and metrics and standards unique to institutions~~
130 ~~depending on institutional core missions, including, but not~~
131 ~~limited to, remediation success, retention, graduation,~~
132 ~~employment, transfer rates, licensure passage, excess hours,~~
133 ~~student loan burden and default rates, job placement, faculty~~
134 ~~awards, and highly respected rankings for institution and~~
135 ~~program achievements.~~

136 ~~(b) Student enrollment and performance data delineated by~~
137 ~~method of instruction, including, but not limited to,~~
138 ~~traditional, online, and distance learning instruction.~~

139 Section 3. Paragraphs (c) and (d) of subsection (4) of
140 section 1002.3105, Florida Statutes, are amended to read:

141 1002.3105 Academically Challenging Curriculum to Enhance
142 Learning (ACCEL) options.—

143 (4) ACCEL REQUIREMENTS.—

144 (c) If a student participates in an ACCEL option pursuant
145 to the parental request under subparagraph (b)1., a performance
146 contract is not required but may be used at the discretion of
147 the principal ~~must be executed by the student, the parent, and~~
148 ~~the principal. At a minimum, the performance contract must~~
149 ~~require compliance with:~~

150 1. ~~Minimum student attendance requirements.~~

151 ~~2. Minimum student conduct requirements.~~

152 ~~3. ACCEL option requirements established by the principal,~~
 153 ~~which may include participation in extracurricular activities,~~
 154 ~~educational outings, field trips, interscholastic competitions,~~
 155 ~~and other activities related to the ACCEL option selected.~~

156 ~~(d)~~ If a principal initiates a student's participation in
 157 an ACCEL option, the student's parent must be notified. A
 158 performance contract, ~~pursuant to paragraph (c),~~ is not required
 159 when a principal initiates participation but may be used at the
 160 discretion of the principal.

161 Section 4. Section 1002.311, Florida Statutes, is
 162 repealed.

163 Section 5. Subsection (19) of section 1002.34, Florida
 164 Statutes, is amended to read:

165 1002.34 Charter technical career centers.—

166 ~~(19) EVALUATION; REPORT.—The Commissioner of Education~~
 167 ~~shall provide for an annual comparative evaluation of charter~~
 168 ~~technical career centers and public technical centers. The~~
 169 ~~evaluation may be conducted in cooperation with the sponsor,~~
 170 ~~through private contracts, or by department staff. At a minimum,~~
 171 ~~the comparative evaluation must address the demographic and~~
 172 ~~socioeconomic characteristics of the students served, the types~~
 173 ~~and costs of services provided, and the outcomes achieved. By~~
 174 ~~December 30 of each year, the Commissioner of Education shall~~
 175 ~~submit to the Governor, the President of the Senate, the Speaker~~

176 ~~of the House of Representatives, and the Senate and House~~
177 ~~committees that have responsibility for secondary and~~
178 ~~postsecondary career and technical education a report of the~~
179 ~~comparative evaluation completed for the previous school year.~~

180 Section 6. Paragraphs (c) through (e) of subsection (1) of
181 section 1002.45, Florida Statutes, are redesignated as
182 paragraphs (b) through (d), respectively, and present paragraphs
183 (b), (c), and (e) of that subsection, subsection (2), paragraph
184 (d) of subsection (3), subsection (5), and paragraph (a) of
185 subsection (6) are amended to read:

186 1002.45 Virtual instruction programs.—

187 (1) PROGRAM.—

188 ~~(b)1. Each school district shall provide at least one~~
189 ~~option for part-time and full-time virtual instruction for~~
190 ~~students residing within the school district. All school~~
191 ~~districts must provide parents with timely written notification~~
192 ~~of at least one open enrollment period for full-time students of~~
193 ~~90 days or more which ends 30 days before the first day of the~~
194 ~~school year. A school district virtual instruction program shall~~
195 ~~consist of the following:~~

196 ~~a. Full-time and part-time virtual instruction for~~
197 ~~students enrolled in kindergarten through grade 12.~~

198 ~~b. Full-time or part-time virtual instruction for students~~
199 ~~enrolled in dropout prevention and academic intervention~~
200 ~~programs under s. 1003.53, Department of Juvenile Justice~~

201 ~~education programs under s. 1003.52, core-curricula courses to~~
 202 ~~meet class size requirements under s. 1003.03, or Florida~~
 203 ~~College System institutions under this section.~~

204 ~~2. Each virtual instruction program established under~~
 205 ~~paragraph (c) by a school district either directly or through a~~
 206 ~~contract with an approved virtual instruction program provider~~
 207 ~~shall operate under its own Master School Identification Number~~
 208 ~~as prescribed by the department.~~

209 (b)~~(e)~~ To provide students residing within the school
 210 district the option of participating in virtual instruction
 211 programs ~~as required by paragraph (b)~~, a school district may:

212 1. Contract with the Florida Virtual School or establish a
 213 franchise of the Florida Virtual School pursuant to s.
 214 1002.37(2) ~~for the provision of a program under paragraph (b)~~.

215 2. Contract with an approved virtual instruction program
 216 provider under subsection (2) ~~for the provision of a full-time~~
 217 ~~or part-time program under paragraph (b)~~.

218 3. Enter into an agreement with other school districts to
 219 allow the participation of its students in an approved virtual
 220 instruction program provided by the other school district. The
 221 agreement must indicate a process for the transfer of funds
 222 required by paragraph (6) (b) .

223 4. Establish school district operated part-time or full-
 224 time kindergarten through grade 12 virtual instruction programs.

225 5. Enter into an agreement with a virtual charter school

226 | authorized by the school district under s. 1002.33.

227 |

228 | Contracts under subparagraph 1. or subparagraph 2. may include
 229 | multidistrict contractual arrangements executed by a regional
 230 | consortium service organization established pursuant to s.
 231 | 1001.451 for its member districts. A multidistrict contractual
 232 | arrangement or an agreement under subparagraph 3. is not subject
 233 | to s. 1001.42(4)(d) and does not require the participating
 234 | school districts to be contiguous. ~~These arrangements may be~~
 235 | ~~used to fulfill the requirements of paragraph (b).~~

236 | (d)~~(e)~~ Each school district shall:

237 | 1. Provide to the department by each October 1~~7~~, a copy of
 238 | each contract and the amount paid per unweighted full-time
 239 | equivalent virtual student for services procured pursuant to
 240 | subparagraphs (b)1. and 2. ~~(e)1. and 2.~~

241 | 2. Expend any difference in the amount of funds per
 242 | unweighted full-time equivalent virtual student allocated to the
 243 | school district pursuant to subsection (6) and the amount paid
 244 | per unweighted full-time equivalent virtual student by the
 245 | school district for a contract executed pursuant to subparagraph
 246 | (b)1. ~~(e)1.~~ or subparagraph (b)2. ~~(e)2.~~ on acquiring computer
 247 | and device hardware and associated operating system software
 248 | that comply with the requirements of s. 1001.20(4)(a)1.b.

249 | 3. Provide to the department by September 1 of each year
 250 | an itemized list of items acquired in subparagraph 2.

251 4. Limit the enrollment of full-time equivalent virtual
 252 students residing outside of the school district providing the
 253 virtual instruction pursuant to paragraph (b) ~~(e)~~ to no more
 254 than those that can be funded from state Florida Education
 255 Finance Program funds.

256 (2) PROVIDER QUALIFICATIONS.—

257 (a) The department shall annually publish on its website a
 258 list of providers approved by the State Board of Education to
 259 offer virtual instruction programs. To be approved, a virtual
 260 instruction program provider must document that it:

261 1. ~~Is nonsectarian in its programs, admission policies,~~
 262 ~~employment practices, and operations;~~

263 ~~2.~~ Complies with the antidiscrimination provisions of s.
 264 1000.05;

265 ~~2.3.~~ Locates an administrative office or offices in this
 266 state, requires its administrative staff to be state residents,
 267 requires all instructional staff to be Florida-certified
 268 teachers under chapter 1012 and conducts background screenings
 269 for all employees or contracted personnel, as required by s.
 270 1012.32, using state and national criminal history records;

271 ~~3.4.~~ Electronically provides to parents and students
 272 specific information that includes, but is not limited to, the
 273 following teacher-parent and teacher-student contact information
 274 for each course:

275 a. How to contact the instructor via phone, e-mail, or

276 | online messaging tools.

277 | b. How to contact technical support via phone, e-mail, or
278 | online messaging tools.

279 | c. How to contact the administration office via phone, e-
280 | mail, or online messaging tools.

281 | d. Any requirement for regular contact with the instructor
282 | for the course and clear expectations for meeting the
283 | requirement.

284 | e. The requirement that the instructor in each course
285 | must, at a minimum, conduct one contact with the parent and the
286 | student each month;

287 | 4.5- Possesses prior, successful experience offering
288 | virtual instruction courses to elementary, middle, or high
289 | school students as demonstrated by quantified student learning
290 | gains in each subject area and grade level provided for
291 | consideration as an instructional program option. However, for a
292 | virtual instruction program provider without sufficient prior,
293 | successful experience offering online courses, the State Board
294 | of Education may conditionally approve the virtual instruction
295 | program provider to offer courses measured pursuant to
296 | subparagraph (7)(a)2. Conditional approval shall be valid for 1
297 | school year only and, based on the virtual instruction program
298 | provider's experience in offering the courses, the State Board
299 | of Education may grant approval to offer a virtual instruction
300 | program;

301 ~~5.6.~~ Is accredited by a regional accrediting association
302 as defined by State Board of Education rule;

303 ~~6.7.~~ Ensures instructional and curricular quality through
304 a detailed curriculum and student performance accountability
305 plan that addresses every subject and grade level it intends to
306 provide through contract with the school district, including:

307 a. Courses and programs that meet the standards of the
308 International Association for K-12 Online Learning and the
309 Southern Regional Education Board.

310 b. Instructional content and services that align with, and
311 measure student attainment of, student proficiency in the state
312 academic standards.

313 c. Mechanisms that determine and ensure that a student has
314 satisfied requirements for grade level promotion and high school
315 graduation with a standard diploma, as appropriate;

316 ~~7.8.~~ Publishes, in accordance with disclosure requirements
317 adopted in rule by the State Board of Education, as part of its
318 application as an approved virtual instruction program provider
319 and in all contracts negotiated pursuant to this section:

320 a. Information and data about the curriculum of each full-
321 time and part-time virtual instruction program.

322 b. School policies and procedures.

323 c. Certification status and physical location of all
324 administrative and instructional personnel.

325 d. Hours and times of availability of instructional

326 personnel.

327 e. Student-teacher ratios.

328 f. Student completion and promotion rates.

329 g. Student, educator, and school performance
330 accountability outcomes;

331 ~~8.9.~~ If the approved virtual instruction program provider
332 is a Florida College System institution, employs instructors who
333 meet the certification requirements for instructional staff
334 under chapter 1012; and

335 ~~9.10.~~ Performs an annual financial audit of its accounts
336 and records conducted by an independent auditor who is a
337 certified public accountant licensed under chapter 473. The
338 independent auditor shall conduct the audit in accordance with
339 rules adopted by the Auditor General and in compliance with
340 generally accepted auditing standards, and include a report on
341 financial statements presented in accordance with generally
342 accepted accounting principles. The audit report shall be
343 accompanied by a written statement from the approved virtual
344 instruction program provider in response to any deficiencies
345 identified within the audit report and shall be submitted by the
346 approved virtual instruction program provider to the State Board
347 of Education and the Auditor General no later than 9 months
348 after the end of the preceding fiscal year.

349 (b) An approved virtual instruction program provider that
350 maintains compliance with all requirements of this section shall

351 retain its approved status for a period of 3 school years after
 352 the date of approval by the State Board of Education.

353 (3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual
 354 instruction program under this section must:

355 (d) Provide each full-time student enrolled in the virtual
 356 instruction program who qualifies for free or reduced-price
 357 school lunches under the National School Lunch Act, or who is on
 358 the direct certification list, and who does not have a computer
 359 or Internet access in his or her home with:

360 1. All equipment necessary for participants in the virtual
 361 instruction program, including, but not limited to, a computer,
 362 computer monitor, and printer, if a printer is necessary to
 363 participate in the virtual instruction program; and

364 2. Access to or reimbursement for all Internet services
 365 necessary for online delivery of instruction.

366
 367 A school district may provide each full-time student enrolled in
 368 the virtual instruction program with the equipment and access
 369 necessary for participation in the program.

370 (5) STUDENT PARTICIPATION REQUIREMENTS.—Each student
 371 enrolled in the school district's virtual instruction program
 372 authorized pursuant to paragraph (1)(b) ~~(1)(e)~~ must:

373 (a) Comply with the compulsory attendance requirements of
 374 s. 1003.21. Student attendance must be verified by the school
 375 district.

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376 (b) Take statewide assessments pursuant to s. 1008.22 and
377 participate in the coordinated screening and progress monitoring
378 system under s. 1008.25(9). Statewide assessments and progress
379 monitoring may be administered within the school district in
380 which such student resides, or as specified in the contract in
381 accordance with s. 1008.24(3). If requested by the approved
382 virtual instruction program provider or virtual charter school,
383 the district of residence must provide the student with access
384 to the district's testing facilities.

385 (6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
386 FUNDING.—

387 (a) All virtual instruction programs established pursuant
388 to paragraph (1)(b) ~~(1)(c)~~ are subject to the requirements of s.
389 1011.61(1)(c)1.b.(III), (IV), (VI), and (4), and the school
390 district providing the virtual instruction program shall report
391 the full-time equivalent students in a manner prescribed by the
392 department. A school district may report a full-time equivalent
393 student for credit earned by a student who is enrolled in a
394 virtual instruction course provided by the district which was
395 completed after the end of the regular school year if the full-
396 time equivalent student is reported no later than the deadline
397 for amending the final full-time equivalent student membership
398 report for that year.

399 Section 7. Paragraph (e) of subsection (2) of section
400 1002.82, Florida Statutes, is amended to read:

401 1002.82 Department of Education; powers and duties.—

402 (2) The department shall:

403 (e) Review each early learning coalition's school
 404 readiness program plan every 3 ~~2~~ years and provide final
 405 approval of the plan and any amendments submitted.

406 Section 8. Subsection (2) of section 1002.85, Florida
 407 Statutes, is amended to read:

408 1002.85 Early learning coalition plans.—

409 (2) Each early learning coalition must ~~biennially~~ submit a
 410 school readiness program plan every 3 years to the department
 411 before the expenditure of funds. A coalition may not implement
 412 its school readiness program plan until it receives approval
 413 from the department. A coalition may not implement any revision
 414 to its school readiness program plan until the coalition submits
 415 the revised plan to and receives approval from the department.
 416 If the department rejects a plan or revision, the coalition must
 417 continue to operate under its previously approved plan. The plan
 418 must include, but is not limited to:

419 (a) The coalition's operations, including its membership
 420 and business organization, and the coalition's articles of
 421 incorporation and bylaws if the coalition is organized as a
 422 corporation. If the coalition is not organized as a corporation
 423 or other business entity, the plan must include the contract
 424 with a fiscal agent.

425 (b) The coalition's procedures for implementing the

426 requirements of this part, including:

- 427 1. Single point of entry.
- 428 2. Uniform waiting list.
- 429 3. Eligibility and enrollment processes and local
- 430 eligibility priorities for children pursuant to s. 1002.87.
- 431 4. Parent access and choice.
- 432 5. Sliding fee scale and policies on applying the waiver
- 433 or reduction of fees in accordance with s. 1002.84(9).
- 434 6. Use of preassessments and postassessments, as
- 435 applicable.
- 436 7. Use of contracted slots, as applicable, based on the
- 437 results of the assessment required under paragraph (i).

438 (c) A detailed description of the coalition's quality
 439 activities and services, including, but not limited to:

- 440 1. Resource and referral and school-age child care.
- 441 2. Infant and toddler early learning.
- 442 3. Inclusive early learning programs.
- 443 4. Quality improvement strategies that strengthen teaching
- 444 practices and increase child outcomes.

445 (d) A detailed budget that outlines estimated expenditures
 446 for state, federal, and local matching funds at the lowest level
 447 of detail available by other-cost-accumulator code number; all
 448 estimated sources of revenue with identifiable descriptions; a
 449 listing of full-time equivalent positions; contracted
 450 subcontractor costs with related annual compensation amount or

451 hourly rate of compensation; and a capital improvements plan
452 outlining existing fixed capital outlay projects and proposed
453 capital outlay projects that will begin during the budget year.

454 (e) A detailed accounting, in the format prescribed by the
455 department, of all revenues and expenditures during the 2
456 previous state fiscal years ~~year~~. Revenue sources should be
457 identifiable, and expenditures should be reported by two
458 categories: state and federal funds and local matching funds.

459 (f) Updated policies and procedures, including those
460 governing procurement, maintenance of tangible personal
461 property, maintenance of records, information technology
462 security, and disbursement controls.

463 (g) A description of the procedures for monitoring school
464 readiness program providers, including in response to a parental
465 complaint, to determine that the standards prescribed in ss.
466 1002.82 and 1002.88 are met using a standard monitoring tool
467 adopted by the department. Providers determined to be high risk
468 by the coalition as demonstrated by substantial findings of
469 violations of law shall be monitored more frequently.

470 (h) Documentation that the coalition has solicited and
471 considered comments regarding the proposed school readiness
472 program plan from the local community.

473 (i) An assessment of local priorities within the county or
474 multicounty region based on the needs of families and provider
475 capacity using available community data.

476 Section 9. Subsection (3) of section 1003.4935, Florida
 477 Statutes, is amended to read:

478 1003.4935 Middle grades career and professional academy
 479 courses and career-themed courses.—

480 ~~(3) Beginning with the 2012-2013 school year, if a school~~
 481 ~~district implements a middle school career and professional~~
 482 ~~academy or a career-themed course, the Department of Education~~
 483 ~~shall collect and report student achievement data pursuant to~~
 484 ~~performance factors identified under s. 1003.492(3) for students~~
 485 ~~enrolled in an academy or a career-themed course.~~

486 Section 10. Section 1003.4995, Florida Statutes, is
 487 repealed.

488 Section 11. Section 1003.4996, Florida Statutes, is
 489 repealed.

490 Section 12. Subsection (2) of section 1003.49965, Florida
 491 Statutes, is amended to read:

492 1003.49965 Art in the Capitol Competition.—

493 (2) A ~~Each~~ school district may ~~shall~~ annually hold an Art
 494 in the Capitol Competition for all public, private, and home
 495 education students in grades 6 through 8. Submissions shall be
 496 judged by a selection committee consisting of art teachers whose
 497 students have not submitted artwork for consideration.

498 Section 13. Paragraphs (g) and (r) of subsection (2) of
 499 section 1003.51, Florida Statutes, are amended to read:

500 1003.51 Other public educational services.—

501 (2) The State Board of Education shall adopt rules
 502 articulating expectations for effective education programs for
 503 students in Department of Juvenile Justice programs, including,
 504 but not limited to, education programs in juvenile justice
 505 prevention, day treatment, residential, and detention programs.
 506 The rule shall establish policies and standards for education
 507 programs for students in Department of Juvenile Justice programs
 508 and shall include the following:

509 (g) Assessment procedures that, ~~which~~:

510 ~~1. For prevention, day treatment, and residential~~
 511 ~~programs, include appropriate academic and career assessments~~
 512 ~~administered at program entry and exit that are selected by the~~
 513 ~~Department of Education in partnership with representatives from~~
 514 ~~the Department of Juvenile Justice, district school boards, and~~
 515 ~~education providers. Assessments must be completed within the~~
 516 ~~first 10 school days after a student's entry into the program.~~

517 ~~2.~~ provide for determination of the areas of academic need
 518 and strategies for appropriate intervention and instruction for
 519 each student in a detention facility within 5 school days after
 520 the student's entry into the program and for the administration
 521 of administer a research-based assessment that will assist the
 522 student in determining his or her educational and career options
 523 and goals within 22 school days after the student's entry into
 524 the program. The results of ~~the these~~ assessments required under
 525 this paragraph and s. 1003.52(3)(d), together with a portfolio

526 depicting the student's academic and career accomplishments,
 527 must ~~shall~~ be included in the discharge packet assembled for
 528 each student.

529 (r) A series of graduated sanctions for district school
 530 boards whose educational programs in Department of Juvenile
 531 Justice programs are considered to be unsatisfactory and for
 532 instances in which district school boards fail to meet standards
 533 prescribed by law, rule, or State Board of Education policy.
 534 These sanctions must ~~shall~~ include the option of requiring a
 535 district school board to contract with a provider or another
 536 district school board if the educational program at the
 537 Department of Juvenile Justice program is performing below
 538 minimum standards ~~and, after 6 months, is still performing below~~
 539 ~~minimum standards.~~

540 Section 14. Subsection (4) of section 1003.621, Florida
 541 Statutes, is amended to read:

542 1003.621 Academically high-performing school districts.—It
 543 is the intent of the Legislature to recognize and reward school
 544 districts that demonstrate the ability to consistently maintain
 545 or improve their high-performing status. The purpose of this
 546 section is to provide high-performing school districts with
 547 flexibility in meeting the specific requirements in statute and
 548 rules of the State Board of Education.

549 ~~(4) REPORTS.—The academically high-performing school~~
 550 ~~district shall submit to the State Board of Education and the~~

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551 ~~Legislature an annual report on December 1 which delineates the~~
552 ~~performance of the school district relative to the academic~~
553 ~~performance of students at each grade level in reading, writing,~~
554 ~~mathematics, science, and any other subject that is included as~~
555 ~~a part of the statewide assessment program in s. 1008.22. The~~
556 ~~annual report shall be submitted in a format prescribed by the~~
557 ~~Department of Education and shall include:~~

558 ~~(a) Longitudinal performance of students on statewide,~~
559 ~~standardized assessments taken under s. 1008.22;~~

560 ~~(b) Longitudinal performance of students by grade level~~
561 ~~and subgroup on statewide, standardized assessments taken under~~
562 ~~s. 1008.22;~~

563 ~~(c) Longitudinal performance regarding efforts to close~~
564 ~~the achievement gap;~~

565 ~~(d)1. Number and percentage of students who take an~~
566 ~~Advanced Placement Examination; and~~

567 ~~2. Longitudinal performance regarding students who take an~~
568 ~~Advanced Placement Examination by demographic group,~~
569 ~~specifically by age, gender, race, and Hispanic origin, and by~~
570 ~~participation in the National School Lunch Program;~~

571 ~~(e) Evidence of compliance with subsection (1); and~~

572 ~~(f) A description of each waiver and the status of each~~
573 ~~waiver.~~

574 Section 15. Section 1004.925, Florida Statutes, is
575 repealed.

576 Section 16. Paragraph (a) of subsection (1), paragraphs
 577 (a) and (e) of subsection (2), paragraph (b) of subsection (3),
 578 and paragraph (b) of subsection (4) of section 1006.28, Florida
 579 Statutes, are amended to read:

580 1006.28 Duties of district school board, district school
 581 superintendent; and school principal regarding K-12
 582 instructional materials.—

583 (1) DEFINITIONS.—

584 (a) As used in this section, the term:

585 1. "Adequate instructional materials" means a sufficient
 586 number of student or site licenses or sets of materials that are
 587 available in bound, unbound, kit, or package form and may
 588 consist of hardbacked or softbacked textbooks, electronic
 589 content, consumables, learning laboratories, manipulatives,
 590 electronic media, and computer courseware or software that serve
 591 as the basis for instruction ~~for each student~~ in the core
 592 subject areas of mathematics, language arts, social studies,
 593 science, reading, and literature.

594 2. "Instructional materials" has the same meaning as in s.
 595 1006.29(2).

596 3. "Library media center" means any collection of books,
 597 ebooks, periodicals, or videos maintained and accessible on the
 598 site of a school, including in classrooms.

599 (2) DISTRICT SCHOOL BOARD.—The district school board has
 600 the constitutional duty and responsibility to select and provide

601 adequate instructional materials for all students in accordance
602 with the requirements of this part. The district school board
603 also has the following specific duties and responsibilities:

604 (a) Courses of study; adoption.—Adopt courses of study,
605 including instructional materials, for use in the schools of the
606 district.

607 1. Each district school board is responsible for the
608 content of all instructional materials and any other materials
609 used in a classroom, made available in a school or classroom
610 library, or included on a reading list, whether adopted and
611 purchased from the state-adopted instructional materials list,
612 adopted and purchased through a district instructional materials
613 program under s. 1006.283, or otherwise purchased or made
614 available.

615 2. Each district school board must adopt a policy
616 regarding an objection by a parent or a resident of the county
617 to the use of a specific material, which clearly describes a
618 process to handle all objections and provides for resolution.
619 The objection form, as prescribed by State Board of Education
620 rule, and the district school board's process must be easy to
621 read and understand and be easily accessible on the homepage of
622 the school district's website. The objection form must also
623 identify the school district point of contact and contact
624 information for the submission of an objection. The process must
625 provide the parent or resident the opportunity to proffer

626 evidence to the district school board that:

627 a. An instructional material does not meet the criteria of
628 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in
629 a course or otherwise made available to students in the school
630 district but was not subject to the public notice, review,
631 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
632 and 11.

633 b. Any material used in a classroom, made available in a
634 school or classroom library, or included on a reading list
635 contains content which:

636 (I) Is pornographic or prohibited under s. 847.012;

637 (II) Depicts or describes sexual conduct as defined in s.
638 847.001(19), unless such material is for a course required by s.
639 1003.46, s. 1003.42(2)(n)1.g., or s. 1003.42(2)(n)3., or
640 identified by State Board of Education rule;

641 (III) Is not suited to student needs and their ability to
642 comprehend the material presented; or

643 (IV) Is inappropriate for the grade level and age group
644 for which the material is used.

645
646 A school district may assess a \$100 processing fee for each
647 objection submitted by a parent or resident who does not have a
648 student enrolled in the school where the material is located if
649 the parent or resident has objected to more than five materials
650 during the calendar year. The school district must return to the

651 parent or resident the processing fee for each objection that is
652 upheld. Any material that is subject to an objection on the
653 basis of sub-sub-subparagraph b.(I) or sub-sub-subparagraph
654 b.(II) must be removed within 5 school days after ~~of~~ receipt of
655 the objection and remain unavailable to students of that school
656 until the objection is resolved. Parents shall have the right to
657 read passages from any material that is subject to an objection.
658 If the school board denies a parent the right to read passages
659 due to content that meets the requirements under sub-sub-
660 subparagraph b.(I), the school district shall discontinue the
661 use of the material. If the district school board finds that any
662 material meets the requirements under sub-subparagraph a. or
663 that any other material contains prohibited content under sub-
664 sub-subparagraph b.(I), the school district shall discontinue
665 use of the material. If the district school board finds that any
666 other material contains prohibited content under sub-sub-
667 subparagraphs b.(II)-(IV), the school district shall discontinue
668 use of the material for any grade level or age group for which
669 such use is inappropriate or unsuitable.

670 3. Each district school board must establish a process by
671 which the parent of a public school student or a resident of the
672 county may contest the district school board's adoption of a
673 specific instructional material. The parent or resident must
674 file a petition, on a form provided by the school board, within
675 30 calendar days after the adoption of the instructional

676 material by the school board. The school board must make the
677 form available to the public and publish the form on the school
678 district's website. The form must be signed by the parent or
679 resident, include the required contact information, and state
680 the objection to the instructional material based on the
681 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
682 after the 30-day period has expired, the school board must, for
683 all petitions timely received, conduct at least one open public
684 hearing before an unbiased and qualified hearing officer. The
685 hearing officer may not be an employee or agent of the school
686 district. The hearing is not subject to the provisions of
687 chapter 120; however, the hearing must provide sufficient
688 procedural protections to allow each petitioner an adequate and
689 fair opportunity to be heard and present evidence to the hearing
690 officer. The school board's decision after convening a hearing
691 is final and not subject to further petition or review.

692 4. Meetings of committees convened for the purpose of
693 ranking, eliminating, or selecting instructional materials for
694 recommendation to the district school board must be noticed and
695 open to the public in accordance with s. 286.011. Any committees
696 convened for such purposes must include parents of students who
697 will have access to such materials.

698 5. Meetings of committees convened for the purpose of
699 resolving an objection by a parent or resident to specific
700 materials must be noticed and open to the public in accordance

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701 with s. 286.011. Any committees convened for such purposes must
702 include parents of students who will have access to such
703 materials.

704 6. If a parent disagrees with the determination made by
705 the district school board on the objection to the use of a
706 specific material, a parent may request the Commissioner of
707 Education to appoint a special magistrate who is a member of The
708 Florida Bar in good standing and who has at least 5 years'
709 experience in administrative law. The special magistrate shall
710 determine facts relating to the school district's determination,
711 consider information provided by the parent and the school
712 district, and render a recommended decision for resolution to
713 the State Board of Education within 30 days after receipt of the
714 request by the parent. The State Board of Education must approve
715 or reject the recommended decision at its next regularly
716 scheduled meeting that is more than 7 calendar days and no more
717 than 30 days after the date the recommended decision is
718 transmitted. The costs of the special magistrate shall be borne
719 by the school district. The State Board of Education shall adopt
720 rules, including forms, necessary to implement this
721 subparagraph.

722 (e) Public participation.—Publish on its website, in a
723 searchable format prescribed by the department, a list of all
724 instructional materials, including those used to provide
725 instruction required by s. 1003.42. Each district school board

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726 must:

727 1. Provide access to all materials, excluding teacher
728 editions, in accordance with s. 1006.283(2)(b)8.a. before the
729 district school board takes any official action on such
730 materials. This process must include reasonable safeguards
731 against the unauthorized use, reproduction, and distribution of
732 instructional materials considered for adoption.

733 2. Select, approve, adopt, or purchase all materials as a
734 separate line item on the agenda and provide a reasonable
735 opportunity for public comment. The use of materials described
736 in this paragraph may not be selected, approved, or adopted as
737 part of a consent agenda.

738 3. Annually, beginning June 30, 2023, submit to the
739 Commissioner of Education a report that identifies:

740 a. Each material for which the school district received an
741 objection pursuant to subparagraph (a)2., including the grade
742 level and course the material was used in, for the school year
743 and the specific objections thereto.

744 b. Each material that was removed or discontinued.

745 c. Each material that was not removed or discontinued and
746 the rationale for not removing or discontinuing the material.

747

748 The department shall publish and regularly update a list of
749 materials that were removed or discontinued, sorted by grade
750 level, as a result of an objection and disseminate the list to

751 school districts for consideration in their selection
 752 procedures.

753 (3) DISTRICT SCHOOL SUPERINTENDENT.—

754 (b) Each district school superintendent shall annually
 755 notify the department ~~by April 1 of each year~~ the state-adopted
 756 instructional materials that will be requisitioned for use in
 757 his or her school district. ~~The notification shall include a~~
 758 ~~district school board plan for instructional materials use to~~
 759 ~~assist in determining if adequate instructional materials have~~
 760 ~~been requisitioned.~~

761 (4) SCHOOL PRINCIPAL.—The school principal has the
 762 following duties for the management and care of materials at the
 763 school:

764 (b) *Money collected for lost or damaged instructional*
 765 *materials; enforcement.*—The school principal may ~~shall~~ collect
 766 from each student or the student's parent the purchase price of
 767 any instructional material the student has lost, destroyed, or
 768 unnecessarily damaged and to report and transmit the money
 769 collected to the district school superintendent. A student who
 770 fails to pay such sum may be suspended ~~the failure to collect~~
 771 ~~such sum upon reasonable effort by the school principal may~~
 772 ~~result in the suspension of the student~~ from participation in
 773 extracurricular activities. A student may satisfy ~~or~~
 774 ~~satisfaction of the debt by the student~~ through community
 775 service activities at the school site as determined by the

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776 school principal, pursuant to policies adopted by district
777 school board rule.

778 Section 17. Subsection (1) of section 1006.283, Florida
779 Statutes, is amended to read:

780 1006.283 District school board instructional materials
781 review process.—

782 (1) A district school board or consortium of school
783 districts may implement an instructional materials program that
784 includes the review, recommendation, adoption, and purchase of
785 instructional materials. The district school superintendent
786 shall annually certify to the department ~~by March 31 of each~~
787 ~~year~~ that all instructional materials for core courses used by
788 the district are aligned with applicable state standards. A list
789 of the core instructional materials that will be used or
790 purchased for use by the school district shall be included in
791 the certification.

792 Section 18. Subsection (4) of section 1007.33, Florida
793 Statutes, is amended to read:

794 1007.33 Site-determined baccalaureate degree access.—

795 (4) A Florida College System institution may:

796 (a) Offer specified baccalaureate degree programs through
797 formal agreements between the Florida College System institution
798 and other regionally accredited postsecondary educational
799 institutions pursuant to s. 1007.22.

800 (b) Offer baccalaureate degree programs that were

801 authorized by law before ~~prior to~~ July 1, 2009.

802 (c) Establish a first or subsequent baccalaureate degree
 803 program for purposes of meeting district, regional, or statewide
 804 workforce needs if approved by the State Board of Education
 805 under this section.

806
 807 ~~The Board of Trustees of St. Petersburg College is authorized to~~
 808 ~~establish one or more bachelor of applied science degree~~
 809 ~~programs based on an analysis of workforce needs in Pinellas,~~
 810 ~~Pasco, and Hernando Counties and other counties approved by the~~
 811 ~~Department of Education. For each program selected, St.~~
 812 ~~Petersburg College must offer a related associate in science or~~
 813 ~~associate in applied science degree program, and the~~
 814 ~~baccalaureate degree level program must be designed to~~
 815 ~~articulate fully with at least one associate in science degree~~
 816 ~~program. The college is encouraged to develop articulation~~
 817 ~~agreements for enrollment of graduates of related associate in~~
 818 ~~applied science degree programs. The Board of Trustees of St.~~
 819 ~~Petersburg College is authorized to establish additional~~
 820 ~~baccalaureate degree programs if it determines a program is~~
 821 ~~warranted and feasible based on each of the factors in paragraph~~
 822 ~~(5)(d). Prior to developing or proposing a new baccalaureate~~
 823 ~~degree program, St. Petersburg College shall engage in need,~~
 824 ~~demand, and impact discussions with the state university in its~~
 825 ~~service district and other local and regional, accredited~~

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826 ~~postsecondary providers in its region. Documentation, data, and~~
827 ~~other information from inter-institutional discussions regarding~~
828 ~~program need, demand, and impact shall be provided to the~~
829 ~~college's board of trustees to inform the program approval~~
830 ~~process. Employment at St. Petersburg College is governed by the~~
831 ~~same laws that govern Florida College System institutions,~~
832 ~~except that upper-division faculty are eligible for continuing~~
833 ~~contracts upon the completion of the fifth year of teaching.~~
834 ~~Employee records for all personnel shall be maintained as~~
835 ~~required by s. 1012.81.~~

836 Section 19. Paragraph (b) of subsection (9) of section
837 1008.25, Florida Statutes, is amended, to read:

838 1008.25 Public school student progression; student
839 support; coordinated screening and progress monitoring;
840 reporting requirements.—

841 (9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

842 (b) Beginning with the 2022-2023 school year, private
843 Voluntary Prekindergarten Education Program providers and public
844 schools must participate in the coordinated screening and
845 progress monitoring system pursuant to this paragraph.

846 1. For students in the school-year Voluntary
847 Prekindergarten Education Program through grade 2, the
848 coordinated screening and progress monitoring system must be
849 administered at least three times within a ~~program year or~~
850 ~~school year, as applicable,~~ with the first administration

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851 occurring no later than the first 30 instructional days after a
852 student's enrollment or the start of the ~~program year or~~ school
853 year, the second administration occurring midyear, and the third
854 administration occurring within the last 30 days of the ~~program~~
855 ~~or~~ school year pursuant to state board rule. The state board may
856 adopt alternate timeframes to address nontraditional school year
857 calendars ~~or summer programs~~ to ensure the coordinated screening
858 and progress monitoring program is administered a minimum of
859 three times within a year ~~or program~~.

860 2. For students in the summer prekindergarten program, the
861 coordinated screening and progress monitoring system must be
862 administered two times, with the first administration occurring
863 no later than the first 10 instructional days after a student's
864 enrollment or the start of the summer prekindergarten program,
865 and the second administration occurring within the last 10 days
866 of the summer prekindergarten program pursuant to state board
867 rule.

868 3.2. For grades 3 through 10 English Language Arts and
869 grades 3 through 8 Mathematics, the coordinated screening and
870 progress monitoring system must be administered at the
871 beginning, middle, and end of the school year pursuant to state
872 board rule. The end-of-year administration of the coordinated
873 screening and progress monitoring system must be a comprehensive
874 progress monitoring assessment administered in accordance with
875 the scheduling requirements under s. 1008.22(7)(c).

876 Section 20. Paragraph (c) of subsection (1) of section
 877 1008.31, Florida Statutes, is amended to read:

878 1008.31 Florida's Early Learning-20 education performance
 879 accountability system; legislative intent; mission, goals, and
 880 systemwide measures; data quality improvements.—

881 (1) LEGISLATIVE INTENT.—It is the intent of the
 882 Legislature that:

883 (c) The Early Learning-20 education performance
 884 accountability system comply with the requirements of the "Every
 885 Student Succeeds Act of 2015", Pub. L. No. 114-95, ~~"No Child~~
 886 ~~Left Behind Act of 2001,"~~ Pub. L. No. 107-110, and the
 887 Individuals with Disabilities Education Act (IDEA).

888 Section 21. Section 1008.332, Florida Statutes, is amended
 889 to read:

890 1008.332 Committee of practitioners pursuant to federal
 891 Every Student Succeeds ~~No Child Left Behind~~ Act.—The Department
 892 of Education shall establish a committee of practitioners
 893 pursuant to federal requirements of the Every Student Succeeds
 894 ~~No Child Left Behind~~ Act of 2015 ~~2001~~. The committee members
 895 shall be appointed by the Commissioner of Education ~~and shall~~
 896 ~~annually report to the Governor, the President of the Senate,~~
 897 ~~and the Speaker of the House of Representatives by January 1.~~
 898 The committee shall meet regularly and is authorized to review
 899 potential rules and policies that will be considered by the
 900 State Board of Education.

901 Section 22. Paragraph (c) of subsection (3) and subsection
 902 (5) of section 1008.34, Florida Statutes, are amended to read:

903 1008.34 School grading system; school report cards;
 904 district grade.—

905 (3) DESIGNATION OF SCHOOL GRADES.—

906 (c)1. The calculation of a school grade shall be based on
 907 the percentage of points earned from the components listed in
 908 subparagraph (b)1. and, if applicable, subparagraph (b)2. The
 909 State Board of Education shall adopt in rule a school grading
 910 scale that sets the percentage of points needed to earn each of
 911 the school grades listed in subsection (2). There shall be at
 912 least five percentage points separating the percentage
 913 thresholds needed to earn each of the school grades. The state
 914 board shall annually review the percentage of school grades of
 915 "A" and "B" for the school year to determine whether to adjust
 916 the school grading scale upward for the following school year's
 917 school grades. The first adjustment would occur no earlier than
 918 the 2023-2024 school year. An adjustment must be made if the
 919 percentage of schools earning a grade of "A" or "B" in the
 920 current year represents 75 percent or more of all graded schools
 921 within a particular school type, which consists of elementary,
 922 middle, high, and combination. The adjustment must reset the
 923 minimum required percentage of points for each grade of "A,"
 924 "B," "C," or "D" at the next highest percentage ending in the
 925 numeral 5 or 0, whichever is closest to the current percentage.

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926 Annual reviews of the percentage of schools earning a grade of
927 "A" or "B" and adjustments to the required points must be
928 suspended when the following grading scale for a specific school
929 type is achieved:

930 a. Ninety percent or more of the points for a grade of
931 "A."

932 b. Eighty to eighty-nine percent of the points for a grade
933 of "B."

934 c. Seventy to seventy-nine percent of the points for a
935 grade of "C."

936 d. Sixty to sixty-nine percent of the points for a grade
937 of "D."

938
939 When the state board adjusts the grading scale upward, the state
940 board must inform the public of the degree of the adjustment and
941 its anticipated impact on school grades. Any changes made by the
942 state board to components in the school grades model or to the
943 school grading scale shall go into effect in the following
944 school year, at the earliest.

945 2. The calculation of school grades may not include any
946 provision that would raise or lower the school's grade beyond
947 the percentage of points earned. Extra weight may not be added
948 in the calculation of any components.

949 (5) DISTRICT GRADE.—Beginning with the 2014-2015 school
950 year, a school district's grade shall include a district-level

951 calculation of the components under paragraph (3)(b). This
952 calculation methodology captures each eligible student in the
953 district who may have transferred among schools within the
954 district or is enrolled in a school that does not receive a
955 grade. The department shall develop a district report card that
956 includes the district grade; the information required under s.
957 1008.345(3) ~~s. 1008.345(5)~~; measures of the district's progress
958 in closing the achievement gap between higher-performing student
959 subgroups and lower-performing student subgroups; measures of
960 the district's progress in demonstrating Learning Gains of its
961 highest-performing students; measures of the district's success
962 in improving student attendance; the district's grade-level
963 promotion of students scoring achievement levels 1 and 2 on
964 statewide, standardized English Language Arts and Mathematics
965 assessments; and measures of the district's performance in
966 preparing students for the transition from elementary to middle
967 school, middle to high school, and high school to postsecondary
968 institutions and careers.

969 Section 23. Subsections (5) through (7) of section
970 1008.345, Florida Statutes, are renumbered as subsections (3)
971 through (5), respectively, and present subsections (3), (4), and
972 (5) and paragraph (d) of present subsection (6) of that section
973 are amended to read:

974 1008.345 Implementation of state system of school
975 improvement and education accountability.-

976 ~~(3) The annual feedback report shall be developed by the~~
 977 ~~Department of Education.~~

978 ~~(4) The commissioner shall review each district school~~
 979 ~~board's feedback report and submit findings to the State Board~~
 980 ~~of Education. If adequate progress is not being made toward~~
 981 ~~implementing and maintaining a system of school improvement and~~
 982 ~~education accountability, the State Board of Education shall~~
 983 ~~direct the commissioner to prepare and implement a corrective~~
 984 ~~action plan. The commissioner and State Board of Education shall~~
 985 ~~monitor the development and implementation of the corrective~~
 986 ~~action plan.~~

987 (3)(5) The commissioner shall annually report to the State
 988 Board of Education and the Legislature and recommend changes in
 989 state policy necessary to foster school improvement and
 990 education accountability. The report must ~~shall~~ include:

991 ~~(a)~~ for each school district:

992 (a)1. The percentage of students, by school and grade
 993 level, demonstrating learning growth in English Language Arts
 994 and mathematics.

995 (b)2. The percentage of students, by school and grade
 996 level, in both the highest and lowest quartiles demonstrating
 997 learning growth in English Language Arts and mathematics.

998 (c)3. The information contained in the school district's
 999 annual report required pursuant to s. 1008.25(10).

1000 ~~(b) Intervention and support strategies used by school~~

1001 ~~districts whose students in both the highest and lowest~~
 1002 ~~quartiles exceed the statewide average learning growth for~~
 1003 ~~students in those quartiles.~~

1004 ~~(c) Intervention and support strategies used by school~~
 1005 ~~districts whose schools provide educational services to youth in~~
 1006 ~~Department of Juvenile Justice programs that demonstrate~~
 1007 ~~learning growth in English Language Arts and mathematics that~~
 1008 ~~exceeds the statewide average learning growth for students in~~
 1009 ~~those subjects.~~

1010 ~~(d) Based upon a review of each school district's reading~~
 1011 ~~instruction plan submitted pursuant to s. 1003.4201,~~
 1012 ~~intervention and support strategies used by school districts~~
 1013 ~~that were effective in improving the reading performance of~~
 1014 ~~students, as indicated by student performance data, who are~~
 1015 ~~identified as having a substantial reading deficiency pursuant~~
 1016 ~~to s. 1008.25(5)(a).~~

1017
 1018 School reports must ~~shall~~ be distributed pursuant to this
 1019 subsection and s. 1001.42(18)(c) and according to rules adopted
 1020 by the State Board of Education.

1021 ~~(4)-(6)~~

1022 (d) The commissioner shall assign a community assessment
 1023 team to each school district or governing board with a school
 1024 that earned a grade of "D" or "F" pursuant to s. 1008.34 to
 1025 review the school performance data and determine causes for the

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1026 low performance, including the role of school, area, and
1027 district administrative personnel. The community assessment team
1028 shall review a high school's graduation rate calculated without
1029 high school equivalency diploma recipients for the past 3 years,
1030 disaggregated by student ethnicity. The team shall make
1031 recommendations to the school board or the governing board and
1032 to the State Board of Education ~~based on the interventions and~~
1033 ~~support strategies identified pursuant to subsection (5) to~~
1034 address the causes of the school's low performance and to
1035 incorporate the strategies into the school improvement plan. The
1036 assessment team shall include, but not be limited to, a
1037 department representative, parents, business representatives,
1038 educators, representatives of local governments, and community
1039 activists, and shall represent the demographics of the community
1040 from which they are appointed.

1041 Section 24. Subsection (3) of section 1008.45, Florida
1042 Statutes, is amended to read:

1043 1008.45 Florida College System institution accountability
1044 process.—

1045 (3) ~~The State Board of Education shall address within the~~
1046 ~~annual evaluation of the performance of the executive director,~~
1047 ~~and the Florida College System institution boards of trustees~~
1048 shall address within the annual evaluation of the presidents,
1049 the achievement of the performance goals established by the
1050 accountability process.

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1051 Section 25. Paragraph (d) of subsection (2) of section
 1052 1000.05, Florida Statutes, is amended to read:

1053 1000.05 Discrimination against students and employees in
 1054 the Florida K-20 public education system prohibited; equality of
 1055 access required.—

1056 (2)

1057 (d) Students may be separated by sex for a single-gender
 1058 program ~~as provided under s. 1002.311~~, for any portion of a
 1059 class that deals with human reproduction, or during
 1060 participation in bodily contact sports. For the purpose of this
 1061 section, bodily contact sports include wrestling, boxing, rugby,
 1062 ice hockey, football, basketball, and other sports in which the
 1063 purpose or major activity involves bodily contact.

1064 Section 26. Paragraph (b) of subsection (2) of section
 1065 1002.31, Florida Statutes, is amended to read:

1066 1002.31 Controlled open enrollment; public school parental
 1067 choice.—

1068 (2)

1069 (b) Each school district and charter school capacity
 1070 determinations for its schools, by grade level, must be updated
 1071 every 12 weeks and be identified on the school district and
 1072 charter school's websites. In determining the capacity of each
 1073 district school, the district school board shall incorporate the
 1074 specifications, plans, elements, and commitments contained in
 1075 the school district educational facilities plan and the long-

1076 term work programs required under s. 1013.35. Each charter
 1077 school governing board shall determine capacity based upon its
 1078 charter school contract. Each virtual charter school and each
 1079 school district with a contract with an approved virtual
 1080 instruction program provider shall determine capacity based upon
 1081 the enrollment requirements established under s. 1002.45(1)(d)4.
 1082 ~~s. 1002.45(1)(e)4.~~

1083 Section 27. Subsection (3) of section 1002.321, Florida
 1084 Statutes, is amended to read:

1085 1002.321 Digital learning.—

1086 (3) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
 1087 must establish ~~multiple~~ opportunities for student participation
 1088 in part-time and full-time kindergarten through grade 12 virtual
 1089 instruction. Options include, but are not limited to:

1090 (a) School district operated part-time or full-time
 1091 virtual instruction programs under s. 1002.45 ~~s. 1002.45(1)(b)~~
 1092 for kindergarten through grade 12 students enrolled in the
 1093 school district. A full-time program shall operate under its own
 1094 Master School Identification Number.

1095 (b) Florida Virtual School instructional services
 1096 authorized under s. 1002.37.

1097 (c) Blended learning instruction provided by charter
 1098 schools authorized under s. 1002.33.

1099 (d) Virtual charter school instruction authorized under s.
 1100 1002.33.

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1101 (e) Courses delivered in the traditional school setting by
1102 personnel providing direct instruction through virtual
1103 instruction or through blended learning courses consisting of
1104 both traditional classroom and online instructional techniques
1105 pursuant to s. 1003.498.

1106 (f) Virtual courses offered in the course code directory
1107 to students within the school district or to students in other
1108 school districts throughout the state pursuant to s. 1003.498.

1109 Section 28. Subsection (1), paragraph (a) of subsection
1110 (6), and paragraph (a) of subsection (10) of section 1002.33,
1111 Florida Statutes, are amended to read:

1112 1002.33 Charter schools.—

1113 (1) AUTHORIZATION.—All charter schools in Florida are
1114 public schools and shall be part of the state's program of
1115 public education. A charter school may be formed by creating a
1116 new school or converting an existing public school to charter
1117 status. A charter school may operate a virtual charter school
1118 pursuant to s. 1002.45(1)(c) ~~s. 1002.45(1)(d)~~ to provide online
1119 instruction to students, pursuant to s. 1002.455, in
1120 kindergarten through grade 12. The school district in which the
1121 student enrolls in the virtual charter school shall report the
1122 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
1123 the home school district shall not report the student for
1124 funding. An existing charter school that is seeking to become a
1125 virtual charter school must amend its charter or submit a new

1126 application pursuant to subsection (6) to become a virtual
 1127 charter school. A virtual charter school is subject to the
 1128 requirements of this section; however, a virtual charter school
 1129 is exempt from subparagraph (7)(a)13., subsections (18) and
 1130 (19), paragraph (20)(c), and s. 1003.03. A public school may not
 1131 use the term charter in its name unless it has been approved
 1132 under this section.

1133 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 1134 applications are subject to the following requirements:

1135 (a) A person or entity seeking to open a charter school
 1136 shall prepare and submit an application on the standard
 1137 application form prepared by the Department of Education which:

1138 1. Demonstrates how the school will use the guiding
 1139 principles and meet the statutorily defined purpose of a charter
 1140 school.

1141 2. Provides a detailed curriculum plan that illustrates
 1142 how students will be provided services to attain the state
 1143 academic standards.

1144 3. Contains goals and objectives for improving student
 1145 learning and measuring that improvement. These goals and
 1146 objectives must indicate how much academic improvement students
 1147 are expected to show each year, how success will be evaluated,
 1148 and the specific results to be attained through instruction.

1149 4. Describes the reading curriculum and differentiated
 1150 strategies that will be used for students reading at grade level

1151 or higher and a separate curriculum and strategies for students
1152 who are reading below grade level. Reading instructional
1153 strategies for foundational skills shall include phonics
1154 instruction for decoding and encoding as the primary
1155 instructional strategy for word reading. Instructional
1156 strategies may not employ the three-cueing system model of
1157 reading or visual memory as a basis for teaching word reading.
1158 Such strategies may include visual information and strategies
1159 that improve background and experiential knowledge, add context,
1160 and increase oral language and vocabulary to support
1161 comprehension, but may not be used to teach word reading. A
1162 sponsor shall deny an application if the school does not propose
1163 a reading curriculum that is consistent with effective teaching
1164 strategies that are grounded in scientifically based reading
1165 research.

1166 5. Contains an annual financial plan for each year
1167 requested by the charter for operation of the school for up to 5
1168 years. This plan must contain anticipated fund balances based on
1169 revenue projections, a spending plan based on projected revenues
1170 and expenses, and a description of controls that will safeguard
1171 finances and projected enrollment trends.

1172 6. Discloses the name of each applicant, governing board
1173 member, and all proposed education services providers; the name
1174 and sponsor of any charter school operated by each applicant,
1175 each governing board member, and each proposed education

1176 services provider that has closed and the reasons for the
 1177 closure; and the academic and financial history of such charter
 1178 schools, which the sponsor shall consider in deciding whether to
 1179 approve or deny the application.

1180 7. Contains additional information a sponsor may require,
 1181 which shall be attached as an addendum to the charter school
 1182 application described in this paragraph.

1183 8. For the establishment of a virtual charter school,
 1184 documents that the applicant has contracted with a provider of
 1185 virtual instruction services pursuant to s. 1002.45(1)(c) ~~s.~~
 1186 ~~1002.45(1)(d)~~.

1187 9. Describes the mathematics curriculum and differentiated
 1188 strategies that will be used for students performing at grade
 1189 level or higher and a separate mathematics curriculum and
 1190 strategies for students who are performing below grade level.

1191 (10) ELIGIBLE STUDENTS.—

1192 (a)1. A charter school may be exempt from the requirements
 1193 of s. 1002.31 if the school is open to any student covered in an
 1194 interdistrict agreement and any student residing in the school
 1195 district in which the charter school is located.

1196 2. A virtual charter school when enrolling students shall
 1197 comply with the applicable requirements of s. 1002.31 and with
 1198 the enrollment requirements established under s. 1002.45(1)(d)4.
 1199 ~~s. 1002.45(1)(e)4.~~

1200 3. A charter lab school shall be open to any student

1201 eligible to attend the lab school as provided in s. 1002.32 or
 1202 who resides in the school district in which the charter lab
 1203 school is located.

1204 4. Any eligible student shall be allowed interdistrict
 1205 transfer to attend a charter school when based on good cause.
 1206 Good cause shall include, but is not limited to, geographic
 1207 proximity to a charter school in a neighboring school district.

1208 Section 29. Subsections (1), (2), and (5) of section
 1209 1002.455, Florida Statutes, are amended to read:

1210 1002.455 Student eligibility for K-12 virtual
 1211 instruction.—All students, including home education and private
 1212 school students, are eligible to participate in any of the
 1213 following virtual instruction options:

1214 (1) School district operated part-time or full-time
 1215 kindergarten through grade 12 virtual instruction programs
 1216 pursuant to s. 1002.45(1)(b)4. ~~s. 1002.45(1)(e)4.~~ to students
 1217 within the school district.

1218 (2) Part-time or full-time virtual charter school
 1219 instruction authorized pursuant to s. 1002.45(1)(b)5. ~~s.~~
 1220 ~~1002.45(1)(e)5.~~ to students within the school district or to
 1221 students in other school districts throughout the state pursuant
 1222 to s. 1002.31; however, the school district enrolling the full-
 1223 time equivalent virtual student shall comply with the enrollment
 1224 requirements established under s. 1002.45(1)(d)4. ~~s.~~
 1225 ~~1002.45(1)(e)4.~~

1226 (5) Virtual instruction provided by a school district
 1227 through a contract with an approved virtual instruction program
 1228 provider pursuant to s. 1002.45(1)(b)2. ~~s. 1002.45(1)(c)2.~~ to
 1229 students within the school district or to students in other
 1230 school districts throughout the state pursuant to s. 1002.31;
 1231 however the school district enrolling the full-time equivalent
 1232 virtual student shall comply with the enrollment requirements
 1233 established under s. 1002.45(1)(d)4. ~~s. 1002.45(1)(e)4.~~

1234 Section 30. Paragraph (a) of subsection (3) and paragraph
 1235 (e) of subsection (7) of section 1008.22, Florida Statutes, are
 1236 amended to read:

1237 1008.22 Student assessment program for public schools.—

1238 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 1239 Commissioner of Education shall design and implement a
 1240 statewide, standardized assessment program aligned to the core
 1241 curricular content established in the state academic standards.
 1242 The commissioner also must develop or select and implement a
 1243 common battery of assessment tools that will be used in all
 1244 juvenile justice education programs in the state. These tools
 1245 must accurately measure the core curricular content established
 1246 in the state academic standards. Participation in the assessment
 1247 program is mandatory for all school districts and all students
 1248 attending public schools, including adult students seeking a
 1249 standard high school diploma under s. 1003.4282 and students in
 1250 Department of Juvenile Justice education programs, except as

1251 otherwise provided by law. If a student does not participate in
1252 the assessment program, the school district must notify the
1253 student's parent and provide the parent with information
1254 regarding the implications of such nonparticipation. The
1255 statewide, standardized assessment program shall be designed and
1256 implemented as follows:

1257 (a) Statewide, standardized comprehensive assessments.—

1258 1. The statewide, standardized English Language Arts (ELA)
1259 assessments shall be administered to students in grades 3
1260 through 10. Retake opportunities for the grade 10 ELA assessment
1261 must be provided. Reading passages and writing prompts for ELA
1262 assessments shall incorporate grade-level core curricula content
1263 from social studies. The statewide, standardized Mathematics
1264 assessments shall be administered annually in grades 3 through
1265 8. The statewide, standardized Science assessment shall be
1266 administered annually at least once at the elementary and middle
1267 grades levels. In order to earn a standard high school diploma,
1268 a student who has not earned a passing score on the grade 10 ELA
1269 assessment must earn a passing score on the assessment retake or
1270 earn a concordant score as authorized under subsection (9).

1271 2. Beginning with the 2022-2023 school year, the end-of-
1272 year comprehensive progress monitoring assessment administered
1273 pursuant to s. 1008.25(9)(b)3. ~~s. 1008.25(9)(b)2.~~ is the
1274 statewide, standardized ELA assessment for students in grades 3
1275 through 10 and the statewide, standardized Mathematics

1276 assessment for students in grades 3 through 8.
 1277 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—
 1278 (e) A school district may not schedule more than 5 percent
 1279 of a student's total school hours in a school year to administer
 1280 statewide, standardized assessments; the coordinated screening
 1281 and progress monitoring system under s. 1008.25(9)(b)3. ~~s.~~
 1282 ~~1008.25(9)(b)2.~~; and district-required local assessments. The
 1283 district must secure written consent from a student's parent
 1284 before administering district-required local assessments that,
 1285 after applicable statewide, standardized assessments and
 1286 coordinated screening and progress monitoring are scheduled,
 1287 exceed the 5 percent test administration limit for that student
 1288 under this paragraph. The 5 percent test administration limit
 1289 for a student under this paragraph may be exceeded as needed to
 1290 provide test accommodations that are required by an IEP or are
 1291 appropriate for an English language learner who is currently
 1292 receiving services in a program operated in accordance with an
 1293 approved English language learner district plan pursuant to s.
 1294 1003.56. Notwithstanding this paragraph, a student may choose
 1295 within a school year to take an examination or assessment
 1296 adopted by State Board of Education rule pursuant to this
 1297 section and ss. 1007.27, 1008.30, and 1008.44.

1298 Section 31. Subsection (4) of section 1008.37, Florida
 1299 Statutes, is amended to read:

1300 1008.37 Postsecondary feedback of information to high

1301 schools.—

1302 (4) As a part of the school improvement plan pursuant to
 1303 s. 1008.345, the State Board of Education shall ensure that each
 1304 school district and high school develops strategies to improve
 1305 student readiness for the public postsecondary level ~~based on~~
 1306 ~~annual analysis of the feedback report data.~~

1307 Section 32. Paragraph (a) of subsection (4) of section
 1308 1013.841, Florida Statutes, is amended to read:

1309 1013.841 End of year balance of Florida College System
 1310 institution funds.—

1311 (4) A Florida College System institution identified in
 1312 paragraph (3)(b) must include in its carry forward spending plan
 1313 the estimated cost per planned expenditure and a timeline for
 1314 completion of the expenditure. Authorized expenditures in a
 1315 carry forward spending plan may include:

1316 (a) Commitment of funds to a public education capital
 1317 outlay project for which an appropriation was previously
 1318 provided, which requires additional funds for completion, and
 1319 which is included in the list required by s. 1001.03(18)(d) ~~s.~~
 1320 ~~1001.03(19)(d)~~;

1321 Section 33. This act shall take effect July 1, 2024.