

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CIS 24-01 Education
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 7000 and SB 7002

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|-----------|---------|---------------------------------------|
| Orig. Comm.: Choice & Innovation Subcommittee | 16 Y, 0 N | Wolff | Sleap |

SUMMARY ANALYSIS

In 2023, the Florida Legislature passed House Bill 1 (Ch. 2023-16, L.O.F.), 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.

The bill provides flexibility to district school boards in satisfying their statutory duties to provide public notices related to meetings, levying millage, and the adoption of budgets by authorizing the publication of such notices to their websites rather than in a newspaper or other publication methods.

The bill repeals several obsolete or overly-burdensome reporting requirements including the school district guidance report, school district report of the reduction of relocatable use, and the Florida College System employment equity accountability report.

The bill supports school districts' efforts to recruit and retain teachers by requiring the SBE to develop strategies to address critical teacher shortages areas and authorizes school districts to develop and adopt their own policies relating to mentors and support for first-time teachers. The bill updates the Teacher Apprenticeship Program by expanding eligibility and clarifying that the apprenticeship lasts at least two years but may continue, if required by the apprentice and authorizes a newly-hired Voluntary Prekindergarten Education Program instructor, 30 days after hire to complete required emergent literacy training.

The bill provides additional clarity for school districts and teachers unions regarding topics that may not be precluded by collective bargaining, including but not limited to, the provision of incentives to highly effective teachers, implementation of student intervention and support strategies, and the implementation of school safety plans and requirements.

The bill clarifies the authority of a district school board to adopt exceptions to the State Requirements for Educational Facilities and broadens the scope of properties a district can lease or lease-purchase to include educational plants, ancillary plants, and auxiliary facilities instead of only educational facilities.

The bill expands the role of the Florida Institute for Charter School Innovation at Miami Dade College (Institute) by authorizing the Institute to develop a professional learning system and design an alternative teacher preparation program to enable certified teachers at charter schools to add on coverages and endorsements to their certificates.

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:

Background

In 2023, the Florida Legislature passed House Bill 1 (HB1), 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.¹

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, 2023.²

District School Board Communications

Present Situation

Meeting Notices

Each district school board is required to publicly notice regular and special board meetings in a county newspaper of general circulation at least two days prior to the meeting, or on a radio station if no such newspaper exists.³

Local governmental agencies, including district school boards, have the option to publish legal notices on a publicly accessible website owned or designated by the county instead of in a print newspaper under specified conditions.⁴ A governmental agency located in a county that has a population of fewer than 160,000 must first hold a public hearing and determine that its residents have sufficient access to the internet by broadband service before publishing legally required advertisements and public notices on the county website.⁵

Before a district school board levies any millage, it must advertise its intent to adopt a tentative budget in a newspaper of general circulation. Not less than 2 days or more than 5 days thereafter, the district must hold a public hearing on the tentative budget.⁶ The purpose of the hearing is to hear requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments.⁷ The final adopted budget must be posted on the school district's official website within 30 days after adoption, and the district school superintendent is required to submit two copies of the adopted budget to the DOE.⁸

The US Census Bureau and the Pew Research Center have reported that adults are more likely to receive information through digital media than through print media.⁹

¹ Section 11, ch. 2023-16, L.O.F.

² Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 2, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

³ Section 1001.372, F.S.

⁴ Section 50.0311, F.S.

⁵ Section 50.0311(4), F.S.

⁶ Section 200.065(2)(f)1., F.S.

⁷ Section 1011.03(3), F.S.

⁸ *Id.*

⁹ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 10, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

District School Board Notifications to Parents and Students

Each middle school and high school student or the student's parent prior to registration is required to be provided a two-page summary of the Department of Economic Opportunity's (DEO's) economic security report of employment and earning outcomes and electronic access to the report.¹⁰ The information provided in the DEO report is now available to all parents through the DOE's Xello web portal, Florida's official K-12 career planning and work-based learning coordination tool.¹¹

Effect of Proposed Changes

The bill authorizes district school boards to satisfy open meeting notification requirements through publication on the official district school board website or another publicly accessible website pursuant to statutory requirements.¹²

Additionally, the bill authorizes a district school board to advertise its tentative budget and proposed millage levies, by advertising its intent to adopt a tentative budget on the district school board website, so long as the district school board complies with the requirements to ensure that the public has reasonable access to the website, and that the website would provide reasonable notice.

The bill specifies that district school boards may advertise their tentative budgets on the official district school board website instead of the newspaper. The bill also removes the requirement for the district school superintendent to transmit two copies of the adopted budget to the DOE.

The bill removes the requirement that each middle and high school student be provided with a two-page summary of the DEO economic security report, as this information is available by other means.

Education Administration and Oversight

Present Situation

School Bus Infraction Detection Systems

District school boards are authorized to install and operate a school bus infraction detection system on a school bus for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates school bus traffic laws.¹³ District school boards are required to post high-visibility reflective signage on the rear of each school bus in which a school bus infraction detection system is installed and operational.¹⁴ The signage must be in the form of one or more signs or stickers and must contain, in the same form:

- The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS WHEN RED LIGHTS FLASH."
- The words "CAMERA ENFORCED."
- A graphic depiction of a camera.¹⁵

Motor vehicle operators must stop when approaching a school bus that displays a stop signal.¹⁶ The civil penalties assessed and collected for violating this requirement as enforced by a school bus

¹⁰ Section 1002.20(24), F.S.; *see also* Florida Commerce, *Economic Security Reports*, <https://www.floridajobs.org/local-workforce-development-board-resources/program-monitoring-and-reports/economic-security-reports> (last visited Jan. 3, 2024).

¹¹ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 13, *available at* https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf; *see also*, The Future of Work Florida, *Xello*, <https://xello.world/en/florida-college-career-ready/> (last visited Jan. 3, 2024).

¹² *See* s. 50.0311, F.S.

¹³ Sections 326.003(78) and 316.173, F.S.

¹⁴ Section 316.173(2)(a), F.S.

¹⁵ *Id.*

¹⁶ Section 316.172(1)(a)-(b), F.S.

infraction detection system must be remitted to the school district in which the violation occurred.¹⁷ Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations of school bus stop sign requirements.¹⁸

District Guidance Report

Each district school board is required to annually submit a district guidance report to the Commissioner of Education (commissioner) by June 30.¹⁹ The guidance report must include:²⁰

- Examination of student access to certified school counselors.
- Degree to which a district has adopted or implemented a guidance model program.
- Evaluation of the information and training available to certified school counselors and career specialists to advise students on areas of critical need, labor market trends, and technical training requirements.
- Progress toward incorporation of best practices for advisement as identified by the department.
- Consideration of alternative guidance systems or ideas, including, but not limited to, a teacher-advisor model, mentoring, partnerships with the business community, web-based delivery, and parental involvement.
- A guidance plan for the district.

This report is no longer necessary as district school boards provide this information in their annual Mental Health Assistance Allocation Plan and the Mental Health Assistance Allocation Outcomes and Expenditures Report.²¹

Effect of Proposed Changes

The bill provides flexibility to district school boards to post signage on the rear of each school bus in which a school bus infraction detection system is installed and operational that is not high-visibility reflective signage. Without this revision, district school boards that install school bus infraction detection systems will incur costs to replace current signage with highly reflective material.²²

The bill repeals the requirement for district school boards to annually submit the guidance report.

Voluntary Prekindergarten Program Instructor Training

Present Situation

Each public school and private provider which delivers the Voluntary Prekindergarten Education Program (VPK) must have, for each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor who meets each of the following requirements:²³

- The prekindergarten instructor must hold, at a minimum, one of the following credentials:
 - A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or
 - A credential approved by the Department of Children and Families as being equivalent to or greater than the credential described above.
- The prekindergarten instructor must successfully complete, prior to assignment to that classroom, three emergent literacy training courses that include developmentally appropriate

¹⁷ Section 316.173(7), F.S.

¹⁸ *Id.*

¹⁹ Section 1006.025(1), F.S.

²⁰ Section 1006.025(2), F.S.

²¹ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 17, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf; see also s. 1006.041, F.S.

²² Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 10, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

²³ Sections 1002.55(3)(c) and 1002.63(4), F.S. (private providers and public schools, respectively).

and experiential learning practices for children and a student performance standards training course approved by the DOE as meeting or exceeding the minimum standards specified in law. The prekindergarten instructor must complete an emergent literacy training course at least once every five years after initially completing the three emergent literacy training courses. The courses must be made available online or in person.

Effect of Proposed Changes

The bill provides that a newly-hired prekindergarten instructor must complete the three emergent literacy training courses within 30 calendar days after being hired if the instructor has not already completed the courses. This change allows VPK providers to complete the onboarding process, and get instructors into classrooms sooner, while the required coursework is being completed. The bill also removes an obsolete date for the completion of a standards training course by a prekindergarten instructor.

Teacher Preparation Programs and Professional Learning Systems

Present Situation

Educator Preparation Institutes

Postsecondary institutions that are accredited or approved by the DOE to award degrees and credits for educator certification may seek approval from the DOE to create educator preparation institutes (EPI) for the purpose of providing all or any of the following:²⁴

- professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;
- instruction to assist potential and existing substitute teachers in performing their duties;
- instruction to assist paraprofessionals in meeting education and training requirements;
- competency-based program instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase pathways to the classroom for mid-career professionals; and
- instruction and professional development for part-time and full-time non-degreed teachers of career programs.

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other state recipients of the provider's services and data showing the successful performance of completers based upon student achievement.²⁵

Each EPI participant must:²⁶

- meet teacher certification application and eligibility requirements established in law;
- participate in coursework and field experiences that are appropriate to the participant's educational plan, including completion of all competencies for a reading endorsement when seeking certification in a certificate area that includes reading instruction or interventions in kindergarten through grade 6;
- before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting; and

²⁴ Section 1004.85(2)(a), F.S.; *see also* rule 6A-5.066, F.A.C.

²⁵ Section 1004.85(2)(b), F.S.

²⁶ Section 1004.85(3)(b), F.S.

- achieve a passing score on the professional education competency examination,²⁷ the basic skills examination, and the subject area examination for the subject area certification which is required by SBE rule.

Each approved EPI must submit annual performance evaluations to the DOE that measure the effectiveness of the programs.²⁸

Professional Learning Systems

Current law requires school districts to develop a professional learning system in consultation with classroom teachers, state colleges and universities, business and community representatives, and local education foundations, consortia, and professional organizations.²⁹ The system must be initially reviewed and approved by the DOE, and subsequently reviewed and approved every 5 years thereafter.³⁰ Among other things, the professional learning system must:³¹

- support and increase the success of educators through collaboratively developed school improvement plans;
- assist the school community in providing stimulating, scientific research-based educational activities that encourage and motivate students to achieve at the highest levels, and that prepare students for success at subsequent educational levels and the workforce;
- provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance; and
- provide training to teacher mentors as part of professional development certification and education competency programs.

An organization of private schools or consortium of charter schools which has no fewer than 10 member schools in this state, which publishes and files with the DOE copies of its standards, and the member schools comply with compulsory school attendance, or a public or private college or university with a teacher preparation program, may also develop a professional learning system.³² The system and inservice catalog must be submitted to the commissioner for approval.³³

Alternative Preparation Programs

A district school board, or an organization of private schools or a consortium of charter schools, of at least 10 member schools,³⁴ with an approved professional learning system,³⁵ may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates.³⁶ Each alternative teacher preparation program is required to be reviewed and approved by the DOE to assure that persons who complete the program are competent in the necessary areas of subject matter specialization.³⁷

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²⁷ An individual that completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate. Section 1012.56(7)(a)3., F.S.

²⁸ Section 1004.85(5), F.S.

²⁹ Section 1012.98(5)(b), F.S.

³⁰ Section 1012.98(5)(b)1., F.S.

³¹ See s. 1012.98(5)(b)1.-11., F.S.

³² Section 1012.98(7), F.S.

³³ *Id.*

³⁴ Section 1012.98(7), F.S.

³⁵ Section 1012.98, F.S., defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

³⁶ Section 1012.575, F.S.

³⁷ *Id.*

In 2022, the legislature created the Florida Institute for Charter School Innovation at Miami Dade College (Institute), subject to appropriation. The Miami Dade College Board of Trustees must establish policies for the supervision, administration, and governance of the institute.³⁸

The Institute must fulfill the following duties:³⁹

- Analyze charter school applications, identify best practices, and create a state resource for developing and reviewing charter school applications.
- Provide training, technical assistance, and support to charter school sponsors on the review of charter applications and renewals.
- Conduct applied research on policy and practices related to charter schools.
- Conduct or compile basic research on the status of educational choice, charter authorizing, and charter school performance in Florida and other topics related to charter schools.
- Collaborate with the DOE in developing the sponsor evaluation framework.
- Disseminate information regarding research-based charter school teaching practices to educators in Florida.
- Host research workshops and conferences which allow charter school sponsors, operators, students, and parents to engage in topics related to charter schools.

The Institute may apply for and receive federal, state, or local agency grants for the purpose of fulfilling its duties established in law.

Effect of Proposed Changes

The bill clarifies that an EPI program participant must satisfy certification requirements prior to participating in field experiences not prior to enrolling in the program.

The bill authorizes the Institute to develop a professional learning system and design an alternative teacher preparation program to enable certified teachers at charter schools to add on additional coverages and endorsements to their certificates.

Teacher Recruitment and Retention

Present Situation

DOE Duties

The DOE, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of all public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment and retention of qualified teachers.⁴⁰ To assist school districts in teacher recruitment the DOE must:⁴¹

- Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.
- Advertise in major newspapers, national professional publications, and other professional publications and in public and nonpublic postsecondary educational institutions, if needed.
- Utilize state and nationwide toll-free numbers.
- Conduct periodic communications with district personnel directors regarding applicants.
- Provide district access to the applicant database by computer or telephone.
- Develop and distribute promotional materials related to teaching as a career, if needed.
- Publish and distribute information pertaining to employment opportunities, application procedures, and all routes toward teacher certification in Florida, and teacher salaries.
- Provide information related to certification procedures.
- Develop and sponsor the Florida Future Educator of America Program throughout the state.

³⁸ Section 1004.88, F.S.

³⁹ Section 1004.88(2)(a)-(g), F.S.

⁴⁰ Section 1012.05(1), F.S.

⁴¹ Section 1012.05(2)(a)-(n), F.S.

- Identify best practices for retaining high-quality teachers.
- Create guidelines and identify best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching. The department shall consult with the Florida Center for Reading Research and the Just Read, Florida! Office in developing the guidelines.
- Develop and implement an online Teacher Toolkit that contains a menu of resources, based on the state academic standards that all teachers can use to enhance classroom instruction and increase teacher effectiveness, thus resulting in improved student achievement.
- Establish a week designated as Educator Appreciation Week to recognize the significant contributions made by educators to their students and school communities.
- Notify each teacher, via e-mail, of each item in the General Appropriations Act and legislation that affects teachers, including, but not limited to, the Florida Teachers Classroom Supply Assistance Program, death benefits for teachers, substantive legislation, rules of the SBE, and issues concerning student achievement.

Once the DOE has adopted the guidelines and identified best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching, each school district must adopt policies based on the DOE guidelines.⁴² School districts are also required to electronically submit accurate public school e-mail addresses for all instructional and administrative personnel to the DOE by September 15 and February 15 each school year.⁴³

Critical Teacher Shortage Areas

On or before January 31 of each year, the commissioner must recommend to the SBE for approval⁴⁴ the specific teaching areas and high priority locations in which critical teacher shortages are projected for public schools in the following academic year.⁴⁵ The SBE must consider current and emerging educational requirements and workforce demands in determining critical teacher shortage areas.⁴⁶ In addition, data related to Florida public school instructional personnel must include, but not be limited to:⁴⁷

- the number and percentage of positions in each discipline filled by teachers not certified in the appropriate field;
- the annual supply of graduates of state approved Florida teacher education programs for each discipline; and,
- critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards which must be identified based on consideration of at least the information specified in the prior two bullets and submitted to the DOE no later than June 1 of each year.

Based on data submitted annually by each school district, the commissioner must rank all public schools and select from the ranked list those schools to be identified as high priority locations.⁴⁸ High priority locations are those which are in high-density, low-economic urban schools; low density, low-economic rural schools; and schools that earned a grade of “F” or three consecutive grades of “D”.⁴⁹

Teacher Apprenticeship Program

In 2023, the Legislature created the Teacher Apprenticeship Program (TAP).⁵⁰ The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required to

⁴² Section 1012.05(3)(a), F.S.

⁴³ Section 1012.05(3)(b), F.S.

⁴⁴ See Florida Department of Education, *Identification of Critical Teacher Shortage Areas for 2022-23*, available at <https://www.fldoe.org/core/fileparse.php/20042/urlt/7-2.pdf>.

⁴⁵ Section 1012.07, F.S.; see also rule 6A-20.0131, F.A.C.

⁴⁶ *Id.*

⁴⁷ Rule 6A-20.0131, F.A.C.

⁴⁸ *Id.*

⁴⁹ Section 1012.07, F.S.

⁵⁰ Section 6, ch. 2023-38, L.O.F., codified at s. 1012.555, F.S.; see also rule 6A-5.067, F.A.C.

administer the program in accordance with legislative intent regarding apprenticeship training⁵¹ provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:⁵²

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 3.0 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law⁵³ and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.⁵⁴

A teacher who serves as a mentor in the TAP must:⁵⁵

- Have at least 7 years of teaching experience in this state.
- Be rated as highly effective in the three most recent value-added model (VAM) scores or on the three most recent available performance evaluations if the teacher does not generate a state VAM score.
- Satisfy any other requirements established by the DOE.

Dale Hickam Excellent Teaching Program

The Dale Hickam Excellent Teaching Program was created to provide funding for bonuses for teaching excellence.⁵⁶ The bonuses were provided for initial certification for up to one 10-year period. The DOE was required to distribute to each school district an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. Bonuses were provided to teachers who attained the National Board for Professional Teaching Standards (NBPTS) certification.⁵⁷ In 2008 and thereafter, teaching candidates could still pursue the NBPTS certification, but at their own expense or with district support.⁵⁸

Effect of Proposed Changes

The bill authorizes school districts to develop and adopt their own policies relating to mentors and support for first-time teachers. The bill also reduces, from twice a year to once a year, the number of times school districts must electronically submit all instructional and administrative personnel e-mail addresses to the DOE. School districts will now be required to electronically submit the e-mail addresses by September 15, annually.

The bill requires the SBE to develop strategies to address the critical teacher shortages areas identified by the commissioner.

⁵¹ Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.

⁵² Section 1012.555, (2)(a)1.-4., F.S.

⁵³ “Team teaching” or “co-teaching” means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. Section 1003.03(5) (c), F.S.

⁵⁴ Section 1012.555(2)(c) and (d), F.S.

⁵⁵ Section 1012.555(3), F.S.

⁵⁶ Section 1012.72, F.S.

⁵⁷ Section 1012.72(1), F.S.

⁵⁸ Section 14, ch. 2008-142, L.O.F.; see also Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 22, available at

https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

The bill expands eligibility for the TAP by aligning the GPA requirements for the TAP with the GPA requirements for the professional certificate.⁵⁹ The bill clarifies that the TAP is at least two years long but may be longer, if needed.

The bill repeals the Dale Hickam Excellent Teaching Program.

School Teacher Collective Bargaining

Present Situation

The State Constitution guarantees that “the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.”⁶⁰ To implement this constitutional provision, the Legislature enacted statutory provisions providing that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.⁶¹ Public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.⁶² Regardless of union membership, each employee is subject to the negotiated collective bargaining agreement that is applicable to the employee’s position. Through collective bargaining, public employees⁶³ collectively negotiate with their public employer⁶⁴ in the determination of the terms and conditions of their employment.⁶⁵ The Public Employees Relations Commission (PERC) is responsible for assisting in resolving disputes between public employees and public employers.⁶⁶

The certified bargaining agent and the chief executive of the public employer must bargain collectively and in good faith in the determination of wages, hours, and terms and conditions of employment of the employees.⁶⁷ Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.⁶⁸ Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.⁶⁹

A district school board or charter school governing board that is unable to meet the annual reporting requirements of classroom teacher and other instructional personnel salary increase due to a collective bargaining impasse must provide written notification to the department or the district school board, as applicable, detailing the reasons for the impasse with a proposed timeline and details for a resolution.⁷⁰

Certified Bargaining of Educational Personnel

Through the process of collective bargaining, a number of teacher unions have negotiated provisions that go beyond the wages, hours, and terms and conditions of employment of the employees. For

⁵⁹ Section 1012.56(2)(c), F.S., requires that each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant’s major field of study.

⁶⁰ Art. 1, s. 6, Fla. Const.

⁶¹ Section 447.201, F.S.

⁶² Section 447.301(1) and (2), F.S.

⁶³ Section 447.203(3), F.S., defines the term “public employee” to mean any person employed by a public employer except for specified exceptions, including Governor appointments, elected officials, employer negotiating representatives, specified managerial or confidential employees, employees of the Florida Legislature, inmates, specified vegetable inspectors, PERC employees, and part-time student workers at a state university.

⁶⁴ The term “public employer” means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.

⁶⁵ Section 447.301(2), F.S.

⁶⁶ Section 447.201(3), F.S.

⁶⁷ Section 447.309(1), F.S.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Section 1011.62(14)(e), F.S.

example, in Miami-Dade Public Schools and the United Teachers of Dade agreement, the United Teachers of Dade requested the creation of the following joint tasks:⁷¹

- School Calendar – where the parties agree to discuss the development of all aspects of the official school calendar for each year of the contract through a joint Calendar Committee.
- Francisco R. Walker Teacher of the Year Task Force –The task is to determine the Francisco R. Walker Miami-Dade County Teacher of the Year.
- Reports and Forms Control Task Force -- The committee reviews procedures for eliminating, revising, reducing, or consolidating paperwork and data collection requirements within the school district and will submit an annual report of its findings to the Superintendent and the UTD President or Designee by May 1.
- Education Facilities Planning Committee – where the committee consisting of union members is involved in the various design stages on new school facilities.

The contract between the School Board of Orange County and the Orange County Classroom Teachers Association created a Faculty Advisory Committees at each school, which provides feedback on:⁷²

- A rotation plan composed of available staff to substitute in case of emergency.
- The purchase and distribution of instructional equipment, materials and supplies.
- Student discipline plans, which may include guidelines for referral of students into alternative education settings.
- The disposition of discipline referrals in a timely manner.
- Additional safeguards to deal with acts of violence, including those involving weapons, and procedures for notification of teachers when their students have been found to have carried a weapon on campus.
- Other concerns of the faculty which may result in a smoother operation of the school.
- Any school-wide drives or collection of money which involve teachers shall not be approved until such have been discussed with the Faculty Advisory Committee.

Effect of Proposed Changes

The bill provides that collective bargaining between school districts and teachers unions may not preclude a district school board from carrying out its constitutional and statutory duties related to the following:

- Providing incentives to highly effective teachers.
- Implementing intervention and support strategies under to address the causes of low student performance and improve student academic performance and attendance.
- Implementing student discipline provisions required by law, including a review of a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and community members related to the daily operation of schools and the district.
- Providing any required notice or copies of information related to the district school board or district operations which is readily available on the school district's website.
- The school district's calendar.

Additionally, the bill requires that if district school superintendent appears before the SBE to provide an update on an impasse, the state board must require that the president of the school district bargaining unit also appear.

⁷¹ Miami Dade County Public Schools, *Miami-Dade County Public Schools and the United Teachers of Dade Contract*, at 171, <https://www.hrdadeschools.net/ourpages/auto/2018/6/12/49100089/UTD%20-%202022-2023%20%20Reopener%20Contract%20-%20Effective%20July%201%202022%20-%20June%2030%202023.pdf?rnd=1677258385309>, (last visited Jan. 3, 2024).

⁷² Orange County Public Schools and the Orange County Classroom Teachers Association Contract, at 97, https://cdnsms5-ss15.sharpschool.com/UserFiles/Servers/Server_54619/File/Departments/Human%20Resources/Labor%20Relations/CTA/CTA%20Contract%2022-23%20--%20FINAL.pdf, (last visited Jan. 3, 2024).

Facilities Planning

Present Situation

State Requirements for Educational Facilities

Florida school construction is guided by three major authorities. The Florida Building Code governs all construction in the state and is administered by the Florida Building Commission at the Department of Business and Professional Regulation.⁷³ The Florida Building Code includes specifications for enhanced hurricane protection areas and electrical and standby emergency power systems.⁷⁴ The Florida Fire Prevention Code is administered by the Division of State Fire Marshal, at the Department of Financial Services. The third major authority governing school construction in the state is the State Requirements for Educational Facilities (SREF), which is maintained by the DOE.⁷⁵ The requirements of the three authorities tend to increase the cost of construction in the state relative to national averages.⁷⁶ Charter schools are not required to comply with SREF.⁷⁷

The SREF is the uniform statewide building code for the planning and construction of public educational facilities and ancillary plants.⁷⁸ District school boards must adhere to the SREF when planning and constructing new facilities. Generally, SREF standards are premised on providing enhanced safety for occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.⁷⁹ Florida law provides school districts with the flexibility to adopt, through resolution, a number of exceptions to SREF requirements. Exceptions include, for example, specifications for site lighting or the use of wood studs in interior nonload-bearing walls.⁸⁰

The DOE, in consultation with school boards and county and state emergency management offices, is required to develop public shelter design criteria that are incorporated as standards into the Florida Building Code. These criteria must be designed to ensure that appropriate new educational facilities can serve as public shelters for emergency management purposes.⁸¹

If a regional planning council in which the county is located does not have a hurricane evacuation shelter deficit as determined by the Division of Emergency Management (DEM), educational facilities within the planning council region are not required to incorporate the public shelter criteria.⁸² By January 31 of each even-numbered year, the DEM must prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval.⁸³ After the approval of a plan, a district school board may not be required to build more emergency-shelter space than identified as needed in the plan.⁸⁴

⁷³ Section 553.73, F.S. The Florida Building Code, 7th Edition (2020) has been adopted by the Florida Building Commission. Rule 61G20-1.001, F.A.C.

⁷⁴ Sections 453.25.1.1 and 453.25.5, Florida Building Code, 7th Edition (2020).

⁷⁵ Rule 6A-2.0010, F.A.C.

⁷⁶ Florida Department of Education, *Review and Adjustment for Florida's Cost per Student Station* (January 1, 2020), at 14, available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2020AnnCSSR.pdf>.

⁷⁷ Section 1002.33(18), F.S.

⁷⁸ The State Requirements for Educational Facilities (SREF) is incorporated in Rule 6A-2.0010, F.A.C., and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04664>. The SREF is applicable to all public educational facilities and plants: pre-kindergarten (pre-K) through grade 12, including conversion charter schools; area vocational educational schools; area vocational/technical centers; adult education; Florida colleges and universities; the Florida School for the Deaf and the Blind (FSDB), where referenced; ancillary plants; relocatables; factory-built structures, reconstructable facilities, modular buildings and manufactured buildings; lease and lease-purchase; and new construction, remodeling, renovation, improvements and site-development projects. *Id.* The SREF does not apply to charter schools. Section 1002.33(18), F.S.

⁷⁹ See, e.g., s. 1013.12, F.S. (casualty, safety, sanitation, and fire safety standards and inspection of property) and s. 1013.451, F.S. (life-cycle cost comparison).

⁸⁰ See s. 1013.385(2), F.S.

⁸¹ Section 1013.372(1), F.S.

⁸² *Id.*

⁸³ Section 1013.372(2), F.S.

⁸⁴ *Id.*

Educational Facilities

For changes in construction requirements after the award of contract, a board may authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts.⁸⁵ Approvals must be for the purpose of expediting the work in progress and be reported to the board and entered in its official minutes. The district school board is required to monitor and report the impact of change orders on its district educational facilities plan.⁸⁶

District school boards are required to reduce the use of relocatables, and the Office of Educational Facilities within the DOE is required to monitor school board facilities work programs to measure the district commitment in reducing the use of relocatables.⁸⁷ The SBE is required to adopt rules which establish the standards for relocatables intended for long-term use⁸⁸ as classroom space at a public elementary school, middle school, or high school.⁸⁹ The standards must protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the SREF for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, to be accessible by adequate covered walkways. District school boards are required to submit annual progress reports on a plan for the use of existing relocatables.⁹⁰ Relocatables that fail to meet standards for relocatables after completion of the approved plan may not be used as classrooms.

A district school board may rent or lease educational facilities for one year or less, which should be funded through the operations budget or millage proceeds.⁹¹ Extensions or renewals of such leases become multiple-year leases and can also be funded through operational funds or millage proceeds.⁹² Additionally, a school board is authorized to lease-purchase educational facilities and sites.⁹³ The term of any lease-purchase agreement, including the initial term and any subsequent renewals, may not exceed the useful life of educational facilities and sites for which the agreement is made, or 30 years, whichever is less.⁹⁴ Educational facilities and sites being acquired pursuant to a lease-purchase agreement are exempt from ad valorem taxation.⁹⁵

A board may construct or place educational facilities and ancillary facilities on land that is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.⁹⁶ Construction of educational facilities funded through an educational facilities benefit district or community development district is also subject to the minimum lease term requirement.⁹⁷

Effect of Proposed Changes

State Requirements for Educational Facilities

⁸⁵ Section 1013.48, F.S.

⁸⁶ *Id.*

⁸⁷ Section 1013.21, F.S.

⁸⁸ Section 1013.20, F.S. “Long-term use” is defined as the use of relocatables at the same educational plant for a period of four years or more.

⁸⁹ Section 1013.20(1), F.S.

⁹⁰ *Id.*

⁹¹ Section 1013.15(2)(a), F.S.

⁹² *Id.*

⁹³ Section 1013.15(2)(b), F.S.

⁹⁴ Section 1013.15(2)(c)1., F.S.

⁹⁵ *Id.*

⁹⁶ Section 1013.16, F.S.

⁹⁷ Section 1013.356, F.S.

The bill clarifies the authority of district school boards to adopt exceptions to SREF, provided that any exceptions to requirements for public shelter design criteria, when applicable, remain subject to the concurrence of the applicable local emergency management agency or the DEM. The bill provides that a district school board may not be required to build more emergency-shelter space than identified as needed in the statewide emergency shelter plan.

Educational Facilities

The bill removes the requirement for the district school board to monitor and report the impact of change orders on its district educational facilities plan.

The bill repeals outdated requirements regarding the reduction in relocatables and the required annual progress report on relocatables a district school board must submit.

The bill also broadens the scope of properties a district school board can lease or lease-purchase to include educational plants, ancillary plants, and auxiliary facilities instead of only educational facilities. This allows district school boards to engage in lease or lease-purchase agreements for a wider range of properties related to educational services.

The bill removes the requirement that a board must acquire a lease of at least 40 years to construct or place a facility, but retains the requirement that the lease be as long as the expected lifespan of the facility.

Florida College System Institution Employment Equity Accountability Program

Present Situation

Each Florida College System (FCS) institution must include in its annual equity update a plan for increasing the representation of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status.⁹⁸ The plan must include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the DOE.⁹⁹ FCS institution presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the FCS institution's employment accountability plan.¹⁰⁰

On or before May 1 of each year, each FCS institution president must submit an annual employment accountability plan to the commissioner and the SBE.¹⁰¹ The SBE must submit an annual equity progress report to the President of the Senate and the Speaker of the House of Representatives on or before January 1 of each year.¹⁰²

No law requires such a report of Florida's public K-12 institutions or state university system institutions.¹⁰³

Effect of Proposed Changes

The bill repeals the reporting requirement for FCS institutions to place them on equal footing with other educational institutions in Florida.

⁹⁸ Section 1012.86(1), F.S.

⁹⁹ *Id.*

¹⁰⁰ Section 1012.86(3), F.S.

¹⁰¹ Section 1012.86(2), F.S.

¹⁰² Section 1012.86(4), F.S.

¹⁰³ Florida Department of Education, *Recommendations to Reduce Regulation in Public Schools* (Nov. 1, 2023), at 22, available at https://www.flsenate.gov/Committees/Show/ED/MeetingPacket/5953/10483_MeetingPacket_5953_2.pdf.

Electronic Transactions

Present Situation

Each district school board, FCS institution board of trustees, and university board of trustees is required to adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, investment, or payment.¹⁰⁴ All public institution electronic transactions must comply with electronic commerce state laws.¹⁰⁵ The Department of Management Services (DMS), in consultation with governmental agencies (i.e. district school boards), is authorized to make certain specifications for the use of electronic records and electronic signatures by governmental agencies.¹⁰⁶

Effect of Proposed Changes

The bill excludes district school boards from the requirement to consult with the DMS when establishing acceptance and usage standards for electronic records and electronic signatures. This modification clarifies that district school boards are authorized to establish their own acceptance and usage standards for electronic records and electronic signatures without consultation with the DMS.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 200.065, F.S.; requiring a district school board to advertise its intent to adopt a tentative budget on a publicly available website if the district school board does not advertise such intent in a newspaper of general circulation; defining the term "publicly accessible website"; requiring certain information relating to a postponed hearing to be posted on a school district website under certain circumstances.
- Section 2:** Amends s. 316.173, F.S.; revising requirements for signage that must be posted on certain school buses.
- Section 3:** Amends s. 1001.372, F.S.; requiring public notices for district school board meetings be posted on a publicly accessible website; deleting a requirement for public notices to be published in a newspaper.
- Section 4:** Amends s. 1002.20, F.S.; deleting a requirement that an economic security report of employment and earning outcomes be provided to students.
- Section 5:** Amends s. 1002.55, F.S.; requiring newly hired prekindergarten instructors to complete specified training within a certain timeframe; deleting obsolete language.
- Section 6:** Amends s. 1004.85, F.S.; requiring program participants of a postsecondary educator preparation institute to meet specified requirements before participating in field experiences.
- Section 7:** Amends s. 1004.88, F.S.; authorizing the Florida Institute for Charter School Innovation to develop a professional learning system.
- Section 8:** Repeals s. 1006.025, F.S., relating to guidance services.
- Section 9:** Amends s. 1010.11, F.S.; providing that school districts are exempt from certain requirements relating to electronic transfer of funds.
- Section 10:** Amends s. 1011.03, F.S.; requiring a district school board to publish its tentative budget on a publicly accessible website; deleting a requirement for a district school board to

¹⁰⁴ Section 1010.11, F.S.

¹⁰⁵ Regulations for electronic commerce can be found in chapter. 668, Florida Statutes.

¹⁰⁶ Section 668.50(18)(b), F.S.

publish its tentative budget in a newspaper or at a courthouse under certain circumstances.

- Section 11:** Amends s. 1012.05, F.S.; authorizing, rather than requiring, district school boards to base certain polices on guidelines from the Department of Education; revising the frequency with which school districts must submit certain information to the department.
- Section 12:** Amends s. 1012.07, F.S.; requiring the State Board of Education to develop strategies to address critical teacher shortages .
- Section 13:** Amends s. 1012.22, F.S.; providing that collective bargaining may not preclude a district school board from carrying out specified duties; providing that if a superintendent appears before the State Board of Education for a specified purpose, the president of the school district bargaining unit also must appear.
- Section 14:** Amends s. 1012.555, F.S.; revising requirements for individuals to participate in the Teacher Apprenticeship Program.
- Section 15:** Amends s. 1012.575, F.S.; providing that certain provisions relating to alternative teacher preparation programs also apply to the Florida Institute for Charter School Innovation.
- Section 16:** Repeals s. 1012.72, F.S., relating to the Dale Hickam Excellent Teaching Program.
- Section 17:** Repeals s. 1012.86, F.S., relating to the Florida College System institution employment equity accountability program.
- Section 18:** Amends s. 1012.98, F.S.; providing that provisions relating to the development of a professional learning system apply to the Florida Institute for Charter School Innovation.
- Section 19:** Amends s. 1013.15, F.S.; authorizing district school boards to rent or lease specified plants and facilities and sites; providing that the lease-purchase of certain plants and facilities and sites are exempt from certain requirements.
- Section 20:** Amends s. 1013.16, F.S.; revising minimum lease term requirements for land for certain construction projects.
- Section 21:** Amends s. 1013.20, F.S.; deleting a district school board requirement to plan for the use of relocatables; deleting a requirement for the commissioner to provide a progress report to the Legislature.
- Section 22:** Repeals s. 1013.21, F.S., relating to reduction of relocatable facilities in use.
- Section 23:** Amends s. 1013.385, F.S.; deleting requirements for a resolution relating to educational facilities construction which may be adopted by district school boards; providing that exceptions to requirements for public shelter design criteria remain subject to certain emergency management provisions; providing that a school board may not be required to build more emergency-shelter space than identified as needed.
- Section 24:** Amends s. 1013.48, F.S.; deleting a requirement that school districts monitor and report the impact of certain change orders.
- Section 25:** Amends s. 1001.64, F.S.; conforming cross-references to changes made by the act.
- Section 26:** Amends s. 1001.65, F.S.; conforming cross-references to changes made by the act.
- Section 27:** Amends s. 1003.621, F.S.; conforming cross-references to changes made by the act.

Section 28: Amends s. 1011.6202, F.S.; conforming cross-references to changes made by the act.

Section 29: Amends s. 1013.35, F.S.; conforming cross-references to changes made by the act.

Section 30: Provides an effective date of July 1, 2024.

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:

There are no anticipated cost increases to the state or to school districts. However, school districts may realize cost savings for efficiencies created in the bill, reduced reporting requirements, and for additional authority over the construction and renovation of facilities.

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 to the State Board of Education. However, existing rules may need to be amended or repealed based on the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.