



---

# **Choice & Innovation Subcommittee**

**February 1, 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, February 01, 2024 09:00 am  
**End Date and Time:** Thursday, February 01, 2024 11:00 am  
**Location:** Reed Hall (102 HOB)  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 667 International Baccalaureate Teacher Bonuses by McFarland  
HB 1349 Required Instruction in History of Communism by Brannan, Buchanan  
HB 1353 Early Learning by Snyder, Trabulsy

**Consideration of the following proposed committee substitute(s):**

PCS for HB 483 -- Education  
PCS for HB 857 -- Youth Conflict Resolution and Peer Mediation Pilot Program  
PCS for HB 1655 -- Exceptional Students and Video Cameras in Public Schools

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](http://www.myfloridahouse.gov).

**NOTICE FINALIZED on 01/30/2024 4:18PM by Vernon.Andrea**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 667 International Baccalaureate Teacher Bonuses

**SPONSOR(S):** McFarland

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 240

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

### SUMMARY ANALYSIS

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Within the FEFP, additional weights are applied to a school district's student full-time equivalent (FTE) for bonus programs. The International Baccalaureate Diploma Program (IB program) is considered a bonus FTE program.

Currently, a school district may earn a 0.16 additional FTE for each student enrolled in an IB course who receives a score of four or higher on the subject examination, and a value of 0.3 FTE for each student who receives an IB diploma. In addition to the FTE, teachers of IB courses receive a \$50 bonus for each student in each IB course who receives a score of four or higher on the IB examination and \$500 if the student scores a four or higher and the teacher is in a school designated with a grade of "D" or "F."

The bill authorizes a school district to earn 0.16 additional FTE for each student enrolled in an IB course who earns a score equivalent to a 4 or higher, as determined by the Department of Education, on an IB subject examination.

The bill provides a bonus in the amount of \$50 to a teacher for each student who earns the equivalent score, and an additional \$500 bonus if the teacher is in a school designated with a grade of "D" or "F" and has at least one student who earns the equivalent score.

The bill requires the Office of Program Policy Analysis and Government Accountability to study weighted per student funding awarded to school districts based on student examination performance in the Advanced International Certificate, IB, and Advanced Placement programs, and provide a report to the Legislature by December 1, 2025.

The estimated fiscal impact on state government expenditures is \$3.7 million. 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

##### International Baccalaureate Diploma Program

The International Baccalaureate Diploma Program (IB program) is a high school program that doubles as a college preparation curriculum. The IB program curriculum is made up of three core elements and six subject groups.<sup>1</sup> The six main areas of study include: language and literature, language acquisition, individuals and societies, sciences, mathematics, and the arts.<sup>2</sup> The IB program requires students to choose courses from the six subject groups.<sup>3</sup> Students may opt to study an additional sciences, individuals and societies, or languages course instead of a course in the arts.<sup>4</sup>

As a part of the program, students will take some subjects at higher level (HL) and some at standard level (SL).<sup>5</sup> HL and SL courses differ in scope but are measured according to the same grade descriptors, with students expected to demonstrate a greater body of knowledge, understanding and skills at HL. Each student must take at least three, but not more than four, subjects at HL, and the remaining at SL. SL subjects take up to 150 teaching hours. HL comprises 240 teaching hours.<sup>6</sup>

For most courses in the program, written examinations at the end of the program form the basis of the assessment. Students receive grades ranging from 7 to 1, with 7 being the highest for each course attempted.<sup>7</sup>

In addition to the six subject groups, the IB program requires study in three core elements, which include:

- Theory of Knowledge, a course in which students reflect on the nature of knowledge and on how we know what we claim to know;
- Extended Essay, which is an independent, self-directed piece of research, finishing with a 4,000-word paper; and
- Creativity, Activity, and Service, in which students complete a project related to the three concepts.<sup>8</sup>

The theory of knowledge and extended essay components are awarded individual grades from A to E<sup>9</sup> and, collectively, can contribute up to 3 additional points towards the overall diploma score. Creativity, activity, and service does not contribute to the points total but participation is a requirement for the

---

<sup>1</sup> International Baccalaureate Diploma Programme, *Curriculum*, <https://www.ibo.org/programmes/diploma-programme/curriculum/> (last visited Jan. 26, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

<sup>6</sup> *Id.*

<sup>7</sup> International Baccalaureate, *Understanding DP Assessment*, <https://ibo.org/programmes/diploma-programme/assessment-and-exams/understanding-ib-assessment/> (last visited Jan. 26, 2024). *see also* International Baccalaureate, *Course selection guidance*, <https://www.ibo.org/university-admission/support-students-transition-to-higher-education/course-selection-guidance> (last visited Jan. 26, 2024)

<sup>8</sup> International Baccalaureate, *Curriculum*, <https://www.ibo.org/programmes/diploma-programme/curriculum/> (last visited Jan. 26, 2024).

<sup>9</sup> International Baccalaureate, *Assessment Principles and Practices- Quality Assessment in a Digital Age* (2018), at 220, available at <https://www.ibo.org/contentassets/1cdf850e366447e99b5a862aab622883/assessment-principles-and-practices-2018-en.pdf>; *see also* International Baccalaureate, *DP Passing Criteria*, <https://ibo.org/about-the-ib/what-it-means-to-be-an-ib-student/recognizing-student-achievement/about-assessment/dp-passing-criteria/> (last visited Jan. 26, 2024).

award of the diploma.<sup>10</sup> Unlike the written examinations used to assess the six subject group areas, the Theory of Knowledge course is assessed through a student exhibition and a 1,600-word essay.<sup>11</sup>

A student's final diploma result score is made up of the combined scores for each subject. The diploma is awarded to students who gain at least 24 points, subject to certain minimum levels of performance including successful completion of the three core elements.<sup>12</sup>

### Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts.<sup>13</sup> The FEFP allocates funds to each school district based on student enrollment.<sup>14</sup> The FEFP uses a unit of measure for each student called a full-time equivalent (FTE).<sup>15</sup> One FTE equals one school year of instruction, or its equivalent provided to a student.<sup>16</sup> Within the FEFP, additional weights are applied to a school district's FTE for bonus FTE programs.<sup>17</sup> The IB program is considered a bonus FTE program.

School districts may earn additional FTE for students who earn the following:

<b>Program</b>	<b>Additional FTE Value</b>	<b>Qualifying Student Attainment</b>
International Baccalaureate (IB)	0.16 FTE	Score of four or higher on the subject examination. <sup>18</sup>
IB Diploma	0.3 FTE	Receives an IB Diploma. <sup>19</sup>

From the funding generated by the additional FTE for each program, districts must allocate 80 percent of the funds received to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in IB courses.<sup>20</sup> Funds must be expended solely for the payment of allowable costs associated with the IB program. Allowable costs include:<sup>21</sup>

- IB annual school fees;
- IB examination fees;
- Salary benefits, and bonuses for teachers and program coordinators for the IB program and teachers and coordinators who prepare prospective students for the program;
- Supplemental books
- Instructional supplies;
- Instructional equipment or instructional materials for IB courses;
- Other activities that identify prospective IB students or prepare prospective students to enroll in IB course; and

---

<sup>10</sup> *Id.* at 219-220.

<sup>11</sup> International Baccalaureate, *What is TOK?*, <https://ibo.org/programmes/diploma-programme/curriculum/dp-core/theory-of-knowledge/what-is-tok/> (last visited Jan. 26, 2024). The Theory of Knowledge essay is an external assessment component and is marked by IB examiners. International Baccalaureate Diploma Programme Subject Brief, *Core: Theory of knowledge* (2022), at 3, available at <https://www.ibo.org/globalassets/new-structure/programmes/dp/pdfs/core-tok-2022-en.pdf>.

<sup>12</sup> 2 International Baccalaureate, *Understanding DP Assessment*, <https://ibo.org/programmes/diploma-programme/assessment-and-exams/understanding-ib-assessment> (last visited Jan. 26, 2024).

<sup>13</sup> Florida Department of Education, *2022-23 Funding for Florida School Districts*, at 4, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

<sup>14</sup> See s. 1011.62(1), F.S.

<sup>15</sup> Section 1011.61(1), F.S.

<sup>16</sup> Section 1011.61(1)(a), F.S.

<sup>17</sup> Florida Department of Education, *2022-23 Funding for Florida School Districts*, at 18-21, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/feffdipdf>

<sup>18</sup> Section 1011.62(1)(l), F.S.

<sup>19</sup> *Id.*

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

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

- Training or professional development for IB teachers.

School districts must allocate the remaining 20 percent of the funds received from the additional FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses.

From the additional FTE, districts are required to distribute bonuses<sup>22</sup> to classroom teachers as follows:<sup>23</sup>

- \$50 for each student taught by the teacher in each IB course who receives a score of four or higher on the IB subject examination.
- \$500 for an IB teacher in a school designated with a grade of “D” or “F” who has at least one student scoring four or higher on the IB subject examination.

### Effect of Proposed Changes

The bill authorizes a school district to earn 0.16 additional FTE for each student enrolled in an IB course who earns a score equivalent to a 4 or higher, as determined by the Department of Education (DOE), on an IB subject examination.

The bill provides a bonus in the amount of \$50 to a teacher for each student who earns the equivalent score; and an additional \$500 bonus if the teacher is in a school designated with a grade of "D" or "F" and has at least one student who earns the equivalent score.

The Theory of Knowledge subject examination, part of the required core of the IB program, would be eligible for the additional FTE and classroom teacher bonus, subject to a level of student achievement as determined by the DOE.

Additionally, the bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA)<sup>24</sup> to submit a report, by December 1, 2025, regarding weighted student funding awarded to school districts based on student examination performance in the Advanced International Certificate of Education (AICE), IB, and Advanced Placement (AP) programs. The report must include the following:

- The history and financial impact of weighted funding tied to student examination performance.
- The per semester costs to school districts to offer and maintain any programs or courses eligible for weighted funding, including, but not limited to, salary costs, program enrollment costs or fees, equipment costs, and testing costs.
- The expenditure of weighted funding at the school and district level, specifically detailing the recipient category of such expenditures, including, but not limited to, teacher bonuses and general revenue.
- The equivalency of AICE, IB, and AP examination scores to generate weighted funding.

OPPAGA must submit a report on its findings to the to the President of the Senate and the Speaker of the House of Representatives.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 1011.62, F. S., revising the requirements for the calculation of additional full-time equivalent membership and certain bonuses based on International Baccalaureate examination scores of students to include students who earn equivalent scores as determined by DOE.

<sup>22</sup> *Id.*; see also Florida Department of Education, *2022-23 Funding for Florida School Districts*, at 19, available at <https://www.fdoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>. Bonuses awarded are in addition to any regular wages or other bonuses the teacher received or is scheduled to receive. *Id.*

<sup>23</sup> Section 1011.62(1)(1)1.-2., F.S

<sup>24</sup> OPPAGA supports the Florida Legislature by providing data, evaluative research and objective analysis that assist legislative budget and policy deliberations. see OPPAGA, *About OPPAGA*, <https://oppaga.fl.gov/> (last visited Jan. 26, 2024).

**Section 2:** Requiring OPPAGA to conduct a specified study; providing requirements for such study; requiring the office to submit a report on the study to the Legislature by a specified date.

**Section 3:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

Increasing the eligibility for students to receive additional full-time equivalent student membership will have an estimated fiscal impact of \$3,743,171 on the Florida Education Finance Program.

## 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.





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

30 (1) *Calculation of additional full-time equivalent*  
31 *membership based on International Baccalaureate examination*  
32 *scores of students.*—A value of 0.16 full-time equivalent student  
33 membership shall be calculated for each student enrolled in an  
34 International Baccalaureate course who receives a score of 4 or  
35 higher, or the equivalent as determined by the Department of  
36 Education, on a subject examination. A value of 0.3 full-time  
37 equivalent student membership shall be calculated for each  
38 student who receives an International Baccalaureate diploma.  
39 Such value shall be added to the total full-time equivalent  
40 student membership in basic programs for grades 9 through 12 in  
41 the subsequent fiscal year. Each school district shall allocate  
42 80 percent of the funds received from International  
43 Baccalaureate bonus FTE funding to the school program whose  
44 students generate the funds and to school programs that prepare  
45 prospective students to enroll in International Baccalaureate  
46 courses. Funds shall be expended solely for the payment of  
47 allowable costs associated with the International Baccalaureate  
48 program. Allowable costs include International Baccalaureate  
49 annual school fees; International Baccalaureate examination  
50 fees; salary, benefits, and bonuses for teachers and program

51 coordinators for the International Baccalaureate program and  
52 teachers and coordinators who prepare prospective students for  
53 the International Baccalaureate program; supplemental books;  
54 instructional supplies; instructional equipment or instructional  
55 materials for International Baccalaureate courses; other  
56 activities that identify prospective International Baccalaureate  
57 students or prepare prospective students to enroll in  
58 International Baccalaureate courses; and training or  
59 professional development for International Baccalaureate  
60 teachers. School districts shall allocate the remaining 20  
61 percent of the funds received from International Baccalaureate  
62 bonus FTE funding for programs that assist academically  
63 disadvantaged students to prepare for more rigorous courses. The  
64 school district shall distribute to each classroom teacher who  
65 provided International Baccalaureate instruction:

66 1. A bonus in the amount of \$50 for each student taught by  
67 the International Baccalaureate teacher in each International  
68 Baccalaureate course who receives a score of 4 or higher, or the  
69 equivalent as determined by the department, on the International  
70 Baccalaureate examination.

71 2. An additional bonus of \$500 to each International  
72 Baccalaureate teacher in a school designated with a grade of "D"  
73 or "F" who has at least one student scoring 4 or higher, or the  
74 equivalent as determined by the department, on the International  
75 Baccalaureate examination, regardless of the number of classes

76 | taught or of the number of students scoring a 4 or higher, or  
 77 | the equivalent as determined by the department, on the  
 78 | International Baccalaureate examination.

79 |  
 80 | Bonuses awarded under this paragraph shall be in addition to any  
 81 | regular wage or other bonus the teacher received or is scheduled  
 82 | to receive. For such courses, the teacher shall earn an  
 83 | additional bonus of \$50 for each student who has a qualifying  
 84 | score.

85 |       Section 2. (1) The Office of Program Policy Analysis and  
 86 | Government Accountability (OPPAGA) shall study weighted per  
 87 | student funding awarded to school districts based on student  
 88 | examination performance in the Advanced International  
 89 | Certificate of Education (AICE), International Baccalaureate  
 90 | (IB), and Advanced Placement (AP) programs pursuant to s.  
 91 | 1011.62, Florida Statutes. The study must include, but need not  
 92 | be limited to:

93 |           (a) The history and financial impact of weighted funding  
 94 | tied to student examination performance.

95 |           (b) The per-semester costs to school districts to offer  
 96 | and maintain any programs or courses that are eligible for  
 97 | weighted funding, including, but not limited to, salary costs,  
 98 | program enrollment costs or fees, equipment costs, and testing  
 99 | costs.

100 |           (c) The expenditure of weighted funding at the school and

HB 667

2024

101 district level, specifically detailing the recipient category of  
102 such expenditures, including, but not limited to, teacher  
103 bonuses and general revenue.

104 (d) The equivalency of AICE, IB, and AP examination scores  
105 to generate weighted funding.

106 (2) OPPAGA shall submit a report on its findings to the  
107 President of the Senate and the Speaker of the House of  
108 Representatives by December 1, 2025.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1349 Required Instruction in History of Communism

**SPONSOR(S):** Brannan and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1264

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

### SUMMARY ANALYSIS

The bill requires, beginning in the 2026-2027 school year, that the History of Communism be included in required instruction to public school students in grades K-12. The bill requires such instruction to be age and developmentally appropriate and include:

- The history of communism in the United States and domestic communist movements, including their histories and tactics.
- Atrocities committed in foreign countries under the guidance of Communism.
- The philosophy and lineages of Communist thought, including cultural Marxism.
- The increasing threat of Communism in the 20<sup>th</sup> century to the United States and our allies, including the events of the Cultural Revolution in the People's Republic of China and other mass killings from Communist regimes.
- The economic, industrial, and political events that preceded and anticipated Communist revolutions.
- The communist policies of Cuba and spread of Communist ideologies throughout Latin America, including the roots of the Communist Party of Cuba and guerilla forces throughout Latin America.

The bill requires each school district to annually certify and provide evidence to the Department of Education (DOE) that the required instruction has been met.

The bill also creates the Communism Education Task Force (task force) adjunct to the DOE. The task force is established to create a curriculum and academic standards for required instruction in the History of Communism and provide recommendations and instructional materials for such instruction.

The task force members are to be appointed by the Governor, by August 1, 2024, and report its findings to the Governor, Legislature, and the DOE no later than July 1, 2025. The task force must also make recommendations to the Legislature regarding the creation of a Florida Museum of Communist History.

The bill requires the DOE to prepare and offer standards and curriculum for the instruction of Communism based upon the recommendations of the task force.

The bill may have a fiscal impact to the state. See Fiscal Comments.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Required Instruction Topics

Florida law requires that public school students in grades K-12 receive instruction on specific subjects including historical time periods, comprehensive health education, and government, among others.<sup>1</sup> Instructional personnel are required to teach these subjects efficiently and faithfully, using historically accurate books and materials, following prescribed courses and approved methods of instruction.<sup>2</sup> Unless otherwise specified, the law generally does not prescribe grade level, instructional hours, or instructional materials requirements for these topics.

School districts are required to report, annually each summer, to the Department of Education (DOE) on how instruction was provided during the previous school year for certain required subjects defined in s. 1003.42, F.S., including the history of the United States, the history of Asian American and Pacific Islanders, the history of African Americans, and the history of the Holocaust.<sup>3</sup> The report must include specific courses offered for each grade level and what materials and resources were used.<sup>4</sup>

##### Guiding Principles for Teaching Required Instruction Topics

In 2022, the Legislature required that instruction on required topics be consistent with the following principles of individual freedom:<sup>5</sup>

- No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.
- No race is inherently superior to another race.
- No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
- Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.
- A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.
- A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.

The Legislature specified that instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the freedoms of persons have been infringed by sexism, slavery, racial oppression, racial segregation, and racial discrimination. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the above principles.<sup>6</sup>

To enable students to better understand and appreciate the principles of individual freedom, the State Board of Education (SBE) is required to develop a “Stories of Inspiration” curriculum to inspire future generations through motivating stories of American history that demonstrate important life skills and the

---

<sup>1</sup> Section 1003.42, F.S.

<sup>2</sup> Section 1003.42(2), F.S.

<sup>3</sup> Rule 6A-1.094124, F.A.C.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1003.42(3), F.S.

<sup>6</sup> Section 1003.42(3), F.S. (flush left provisions at the end of the subsection).



principles of individual freedom that enabled persons to prosper even in the most difficult circumstances.<sup>7</sup>

### Social Studies Educational Standards

In 2023, the SBE adopted Florida’s State Academic Standards for Social Studies.<sup>8</sup> These current standards incorporate lessons on communism, including a Grade 7 standard requiring students to analyze the advantages of capitalism and the free market in the United States over government-controlled economic systems.

For grades K-6, the DOE has not promulgated standards for the history of communism. But for grades 7 and 9-12, there are numerous American History standards that include the history of communism, including, but not limited to:<sup>9</sup>

- Identify the factors that led to the decline and fall of communism in the Soviet Union and Eastern Europe;
- Compare the philosophies of capitalism, socialism, and communism as described by Adam Smith, Robert Owen, and Karl Marx;
- Analyze the advantages of capitalism and the free market in the United States over government-controlled economic systems (e.g., socialism and communism) in regard to economic freedom and raising the standard of living for citizens.

### Victims of Communism Day

On May 9, 2022 Governor Ron DeSantis signed into law HB395, creating Victims of Communism Day to annually be observed in public schools on November 7.<sup>10</sup> The law also required, beginning with the 2022-2023 school year, high school students enrolled in the required United States Government class, to receive at least 45 minutes of instruction on “Victims of Communism Day” to include topics such as Mao Zedong and the Cultural Revolution, Joseph Stalin and the Soviet System, Fidel Castro and the Cuban Revolution, Vladimir Lenin and the Russian Revolution, Pol Pot and the Khmer Rouge, and Nicolás Maduro and the Chavismo movement, and how victims suffered under these regimes through poverty, starvation, migration, systemic lethal violence, and suppression of speech.<sup>11</sup>

### **Effect of Proposed Changes**

The bill requires, beginning in the 2026-2027 school year, that the History of Communism be included in required instruction to public school students in grades K-12. The bill requires such required instruction to be age and developmentally appropriate and include:

- The history of communism in the United States and domestic communist movements, including their histories and tactics.
- Atrocities committed in foreign countries under the guidance of Communism.
- The philosophy and lineages of Communist thought, including cultural Marxism.
- The increasing threat of Communism in the 20<sup>th</sup> century to the United States and our allies, including the events of the Cultural Revolution in the People’s Republic of China and other mass killings from Communist regimes.
- The economic, industrial, and political events that preceded and anticipated Communist revolutions.
- The communist policies of Cuba and spread of Communist ideologies throughout Latin America, including the roots of the Communist Party of Cuba and guerilla forces throughout Latin America.

---

<sup>7</sup> Section 1003.42(4), F.S.

<sup>8</sup> See Florida’s State Academic Standards, *Social Studies* (2023), available at <https://www.fldoe.org/core/fileparse.php/20653/urlt/6-4.pdf>.

<sup>9</sup> CPALMS, Standards, Social Studies, *American History*, <https://www.cpalms.org/PreviewIdea/Preview/3667> (last visited Jan 25, 2024). See SS.7.CG.3.15, SS.9.12.CG.3.1, SS.9.12.CG.4, SS.9.12.W.6.3, and SS.9.12.W.8.5 CPALMS is the State of Florida’s official source for standards information and course descriptions. It provides access to thousands of standards-aligned, free, and high-quality instructional/educational resources that have been developed specifically for the standards and vetted through a rigorous review process.

<sup>10</sup> Ch. 2022-98, L.O.F., codified at s. 683.334, F.S.

<sup>11</sup> Section 683.334 (3)(a), F.S.

The bill requires each school district to annually certify and provide evidence to the DOE that required instruction has been met.

Further, the bill creates the Communism Education Task Force (task force) adjunct to the DOE. The task force is established to create a curriculum and academic standards for required instruction in the History of Communism and provide recommendations and instructional materials for such instruction. The task force must also recommend partnerships with other organizations for such instruction.

The task force members are to be appointed by the Governor, by August 1, 2024, and report its findings to the Governor, Legislature, and the DOE no later than July 1, 2025. The task force must also make recommendations to the Legislature regarding the creation of a Florida Museum of Communist History.

The bill requires the DOE to prepare and offer standards and curriculum for the instruction of communism based upon the recommendations of the task force.

#### B. SECTION DIRECTORY:

- Section 1:** Amends s. 1003.42, F.S., beginning in a specified school year, requiring students to receive instruction on the history of Communism; providing requirements for each instruction; requiring school districts to annually certify and provide evidence to the Department of Education that certain requirements are met; requiring the department to prepare and offer standards and curriculum for such instruction; providing requirements for the standards and curriculum;
- Section 2:** Creates the Communism Education Task force adjunct to the department; providing the purpose of task force; providing for membership of the task force; providing duties of the task force; requiring the task force to submit a report to the Governor, Legislature, and department by a specified date; providing for the future expiration of the task force.
- Section 3:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None.
2. Expenditures:  
See Fiscal Comments.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:  
None.
2. Expenditures:  
None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of Education may incur costs associated with creating the Communism Education Task Force and preparing curriculum and academic standards for the required History of Communism instruction.

**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 required instruction in the history  
3 of Communism; amending s. 1003.42, F.S.; beginning in  
4 a specified school year, requiring students to receive  
5 instruction on the history of Communism; providing  
6 requirements for such instruction; requiring school  
7 districts to annually certify and provide evidence to  
8 the Department of Education that certain requirements  
9 are met; requiring the department to prepare and offer  
10 standards and curriculum for such instruction;  
11 providing requirements for the standards and  
12 curriculum; creating the Communism Education Task  
13 Force adjunct to the department; providing the purpose  
14 of task force; providing for membership of the task  
15 force; providing duties of the task force; requiring  
16 the task force to submit a report to the Governor,  
17 Legislature, and department by a specified date;  
18 providing for the future expiration of the task force;  
19 providing an effective date.

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

22  
23 Section 1. Paragraph (v) is added to subsection (2) of  
24 section 1003.42, Florida Statutes, to read:

25 1003.42 Required instruction.—

26 (2) Members of the instructional staff of the public  
27 schools, subject to the rules of the State Board of Education  
28 and the district school board, shall teach efficiently and  
29 faithfully, using the books and materials required that meet the  
30 highest standards for professionalism and historical accuracy,  
31 following the prescribed courses of study, and employing  
32 approved methods of instruction, the following:

33 (v)1. Beginning in the 2026-2027 school year, the History  
34 of Communism. Such instruction must be age appropriate and  
35 developmentally appropriate and include:

36 a. The history of Communism in the United States and  
37 domestic Communist movements, including their histories and  
38 tactics.

39 b. Atrocities committed in foreign countries under the  
40 guidance of Communism.

41 c. The philosophy and lineages of Communist thought,  
42 including cultural Marxism.

43 d. The increasing threat of Communism in the United States  
44 and our allies through the 20th Century, including the events of  
45 the Cultural Revolution in the People's Republic of China and  
46 other mass killings from Communist regimes.

47 e. The economic, industrial, and political events that  
48 have preceded and anticipated Communist revolutions.

49 f. The Communist policies of Cuba and the spread of  
50 Communist ideologies throughout Latin America, including the

51 roots of the Communist Party of Cuba and guerilla forces  
52 throughout Latin America.

53 2. Each school district must annually certify and provide  
54 evidence to the department, in a manner prescribed by the  
55 department, that the requirements of this paragraph are met.

56 3. The department shall prepare and offer standards and  
57 curriculum for the instruction required by this paragraph, based  
58 upon the curriculum and standards recommended from the Communism  
59 Education Task Force.

60  
61 The State Board of Education is encouraged to adopt standards  
62 and pursue assessment of the requirements of this subsection.  
63 Instructional programming that incorporates the values of the  
64 recipients of the Congressional Medal of Honor and that is  
65 offered as part of a social studies, English Language Arts, or  
66 other schoolwide character building and veteran awareness  
67 initiative meets the requirements of paragraph (u).

68 Section 2. (1) The Communism Education Task Force, a task  
69 force as defined in s. 20.03(5), Florida Statutes, is created  
70 adjunct to the Department of Education to create a curriculum  
71 and academic standards for required instruction in the history  
72 of Communism under s. 1003.42(2)(v), Florida Statutes, and  
73 provide recommendations and instructional materials for such  
74 instruction. Except as otherwise provided in this section, the  
75 task force shall operate in a manner consistent with s. 20.052,

76 Florida Statutes.

77 (2) The Governor shall appoint members to the task force  
 78 by August 1, 2024. The Governor shall appoint a chair to the  
 79 task force.

80 (3) The task force shall:

81 (a) Recommend to the department curriculum and academic  
 82 standards for instruction in the history of Communism required  
 83 under s. 1003.42(2)(v).

84 (b) Recommend instructional materials for instruction in  
 85 the history of Communism required under s. 1003.42(2)(v).

86 (c) Recommend partnerships with other organizations for  
 87 instruction in the history of Communism.

88 (d) Recommend if the Legislature should create a Florida  
 89 Museum of Communist History.

90 (4) No later than July 1, 2025, the task force shall  
 91 submit a report of its findings and recommendations to the  
 92 Governor, the President of the Senate, the Speaker of the House  
 93 of Representatives, and the Department of Education. Upon  
 94 submission of the report, the task force shall expire.

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





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1353 Early Learning

**SPONSOR(S):** Snyder and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/SB 1026

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

The bill provides programmatic and administrative changes to support the Voluntary Prekindergarten (VPK) and School Readiness (SR) programs as well as providing additional literacy support to identified VPK students the summer prior to entering kindergarten.

The bill allows a credentialed VPK instructor to be a lead instructor in the summer VPK program if the instructor has completed the early learning micro-credential program or has received an instructional support score of 3 or higher.

The bill prohibits a VPK provider from using the Coordinated Screening and Progress Monitoring program, or other progress monitoring programs, or an instructional program which requires the use of a one-to-one electronic device for direct instruction in the VPK curriculum.

In 2023, the Legislature revised the program year the Department of Education must adopt a methodology for calculating VPK performance metrics from 2023-2024 to 2024-2025. The revision is set to expire and revert to the 2023-2024 program year. The bill saves from repeal the 2024-2025 program year. Additionally, the bill allows for an alternate calculation to be used to measure the quality of teacher-child interactions in a VPK classroom. The bill also requires a VPK provider or school that does not maintain the minimum performance metric or designation to notify each student's parent.

The bill increases the amount of funding that an early learning coalition (ELC) may retain and expend for administering the VPK program from 4 percent to 5 percent. The bill also modifies the allowable uses of SR funding by ELCs to SR providers and staff, to include providing professional development through the Teacher Education and Compensation Helps (TEACH) scholarship, training aligned to early learning professional standards, reimbursement for background screening, and training on curriculum.

The bill revises the early learning standards domains to replace "self-regulation" with "executive functioning."

The bill allows ELCs to add law enforcement representation to coalition boards.

Finally, the bill creates a summer bridge program for VPK students with identified early literacy deficiencies prior to entering kindergarten.

See Fiscal Comments for fiscal impact.

The bill takes effect on July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Florida's Voluntary Prekindergarten Program

The Voluntary Prekindergarten (VPK) program prepares children for success in school and in life.<sup>1</sup> Implemented in 2005, VPK is a free, high-quality, education program available to all four-year-old children residing in the state.<sup>2</sup> A child remains eligible until the child is admitted to kindergarten, or unless he or she will have attained the age of 6 years by February 1 of any school year.<sup>3</sup> Parents of 4-year-olds with birthdays from February 2 through September 1 may wait to enroll their child the following year when they are 5.<sup>4</sup>

The Division of Early Learning (DEL) at the Department of Education (DOE) administers the VPK program at the state level. Data collected by the DOE show that children who participate in VPK are better prepared to enter kindergarten ready to learn. Parents can select from one of several VPK program options available from private and public providers. Providers have flexibility to structure daily hours per week to meet the required number of instructional hours: the School-Year Program is 540 instructional hours; the Summer Program is 300 instructional hours.<sup>5</sup>

VPK Specialized Instructional Services is a program option available for VPK-age children with current individual educational plans (IEPs). This option allows parents of a VPK-age child to choose additional therapy services consistent with the child's IEP in lieu of attending VPK in a traditional classroom setting.<sup>6</sup>

In fiscal year 2022-23, there were 158,408 children enrolled with 6,237 providers in Florida's VPK Program, with 97 percent of children enrolled in a school year program and 3 percent enrolled in a summer program.<sup>7</sup>

##### Summer VPK Instructor Requirements

Since the inception of the VPK program, parents have had the option of choosing to have his or her child attend a school year or a summer VPK program. Since the 2016-17 VPK program year, the summer program has seen declining enrollment. The program served over 5,000 children in 2016-17 and showed a decline that was accelerated by the effects of the national health crisis (COVID-19) that began in 2020 but has yet to recover and served less than 2,500 children in the 2022-2023 summer program.<sup>8</sup>

For the summer VPK program, each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who is a certified teacher or holds a specified bachelor's or higher degree in an early education-related field.<sup>9</sup> For the VPK program, the

---

<sup>1</sup> Florida Department of Education (DOE), *Division of Early Learning, Annual Report 2022-2023* (2023), at 13, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

<sup>2</sup> Art. IX, s. 1, Fla. Const.

<sup>3</sup> Section 1002.53(2), F.S.

<sup>4</sup> Florida Department of Education (DOE), *Division of Early Learning, Annual Report 2022-2023* (2023), available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

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

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 14.

<sup>8</sup> Office of Economic and Demographic Research (EDR), *Early Learning Programs Estimating Conference, Voluntary Prekindergarten Education Program*, <http://edr.state.fl.us/Content/conferences/vpk/index.cfm> (last visited Jan. 27, 2024).

<sup>9</sup> Sections 1002.55(4)(a)-(b) and 1002.61(4), F.S.

term “certified teacher” means a teacher holding a valid Florida educator certificate who has the qualifications required by the district school board to instruct students in the summer VPK program.<sup>10</sup>

### VPK Performance Standards

The DOE is required to develop and adopt performance standards for students in the VPK Program.<sup>11</sup> The performance standards must address the age-appropriate progress of students in the development of required capabilities, capacities, and skills;<sup>12</sup> emergent literacy skills grounded in the science of reading, including oral communication, knowledge of print and letters, phonemic and phonological awareness, vocabulary and comprehension development, and foundational background knowledge designed to correlate with the content that students will encounter in grades K-12; and mathematical thinking and early math skills. The DOE is required to review standards at least every three years.<sup>13</sup>

Each private prekindergarten provider and public school is allowed to select or design the curriculum that the provider or school uses to implement the program, except for a provider or school that fails to meet the minimum performance metric included in the state’s accountability measures.<sup>14</sup> Each private prekindergarten provider’s and public school’s curriculum must be:

- Developmentally appropriate.
- Designed to prepare a student for early literacy and provide for instruction in early math skills.
- Develop students’ background knowledge through a content-rich and sequential knowledge building early literacy curriculum.
- Enhance the age-appropriate progress of students in attaining the performance standards adopted by the DOE.
- Support student learning gains through differentiated instruction that is measured by the coordinated screening and progress monitoring (CSPM) program.<sup>15</sup>

The DOE is required to adopt procedures for the review and approval of curricula for use by private prekindergarten providers and public schools that fail to meet performance standards.<sup>16</sup>

### VPK Program Accountability

VPK program accountability is in a transition period from historical VPK provider kindergarten readiness rates of which the last rates were released for the 2020-2021 program year. Beginning with the 2023-24 program year, the DEL must adopt a methodology for calculating a VPK provider performance metric using child learning gains and outcomes based on the CSPM and provider program assessment composite scores that measure teacher-child interactions. The new calculation and designations for VPK Accountability will be applied at the end of the 2024-25 program year.<sup>17</sup>

Each private prekindergarten provider and public school participating in the VPK Program is required to participate in the CSPM program.<sup>18</sup> The CSPM program results shall be used by the DOE to identify student learning gains, index development learning outcomes upon program completion, and inform a private prekindergarten provider’s and public school’s performance metric.<sup>19</sup> The DOE is required to adopt minimum requirements for those administering the initial and final progress monitoring or

---

<sup>10</sup> Section 1002.61(4), F.S.

<sup>11</sup> Section 1002.67, F.S.

<sup>12</sup> Art. IX, s. (1)(b), Fla. Const.

<sup>13</sup> Section 1002.67(1), F.S.

<sup>14</sup> Section 1002.67(2)(a), F.S.

<sup>15</sup> Section 1002.67(2)(b), F.S.

<sup>16</sup> Section 1002.67(2)(c), F.S.

<sup>17</sup> DOE, Division of Early Learning (DEL), *Division of Early Learning, Annual Report 2021-2022 (2022)*, at 19-20, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2122-DEL-AnnualReport.pdf>.

<sup>18</sup> Section 1002.68(1), F.S.

<sup>19</sup> Section 1002.68(1)(a), F.S.

screening.<sup>20</sup> Private prekindergarten providers and public schools are required to provide a student's performance results to the student's parents within seven days after the administration of the CSPM.<sup>21</sup>

Each private prekindergarten provider and public school is required to participate in a program assessment of each VPK classroom. The program assessment measures the quality of teacher-child interactions, including emotional support, classroom organization, and instructional support for children ages 3 to 5 years. The DOE is required to report the results of the program assessment for each classroom within 14 days after the observation. ELCs are responsible for the administration of the program assessments.<sup>22</sup>

Beginning with the 2023-2024 program year,<sup>23</sup> the DOE is required to adopt a methodology for calculating each private prekindergarten provider's and public school provider's performance metric, which must be based on a combination of the following:

- Program assessment composite scores which must be weighted at no less than 50 percent.
- Learning gains from the initial and final administration of the CSPM.
- Norm-referenced developmental learning outcomes from the CSPM.<sup>24</sup>

The program assessment composite score and performance metric are required to be calculated for each private prekindergarten or public school site.<sup>25</sup> The scores of the performance metric are required to produce profiles which include the following designations: "unsatisfactory," "emerging proficiency," "proficient," "highly proficient," and "excellent" or comparable terminology. They may not include letter grades.<sup>26</sup>

The DOE is required to annually calculate each private prekindergarten provider's and public school's performance metric.<sup>27</sup> Beginning with the 2024-2025 program year,<sup>28</sup> each private prekindergarten provider or public school will be assigned a designation within 45 days after the conclusion of the school-year program or the summer program.<sup>29</sup> A private prekindergarten provider or public school designated "proficient," "highly proficient," or "excellent" demonstrates the provider's or school's satisfactory delivery of the VPK program.<sup>30</sup> The designations are required to be displayed in the early learning provider performance profiles.<sup>31</sup>

If a private prekindergarten provider's or public school's performance metric or designation falls below the minimum performance metric or designation, the ELC is required to place the provider or school on probation. Each provider or school placed on probation is required to submit to the ELC for approval an improvement plan that includes implementation of and approved curriculum and an approved staff development plan. A provider placed on probation remains in that status until the provider has earned a satisfactory performance metric or designation.<sup>32</sup>

A private prekindergarten provider or public school that remains on probation for two consecutive years and subsequently fails to meet the minimum performance metric or designation is subject to removal from eligibility to deliver the VPK program and receive state funds for the program for a period of at

---

<sup>20</sup> Section 1002.68(1)(b), F.S.

<sup>21</sup> Section 1002.68(1)(c), F.S.

<sup>22</sup> Section 1002.68(2), F.S.

<sup>23</sup> The program year was changed by s. 5, ch. 2023-240, L.O.F. and will revert to the 2022-2023 program year on June 30, 2023, unless acted upon by the Legislature.

<sup>24</sup> *Id.*

<sup>25</sup> Section 1002.68(4)(c), F.S.

<sup>26</sup> Section 1002.68(4)(d), F.S.

<sup>27</sup> Section 1002.68(4)(f), F.S.

<sup>28</sup> The program year was changed by s. 5, ch. 2023-240, L.O.F. and will revert to the 2023-2024 program year on June 30, 2023, unless acted upon by the Legislature.

<sup>29</sup> Section 1002.68(4)(f), F.S.

<sup>30</sup> Section 1002.68(4)(g), F.S.

<sup>31</sup> Section 1002.68(4)(h), F.S.

<sup>32</sup> Section 1002.68(5), F.S.

least two years but no more than five years.<sup>33</sup> A private prekindergarten provider or public school may request and receive a good cause exemption in order to remain eligible for the VPK program based on certain criteria including health and safety standards. Exemptions are valid for one year but may be renewed.<sup>34</sup>

### Administrative Funding for the VPK Program

Administrative expenditures for the VPK program must be kept to the minimum necessary for efficient and effective administration of the program. Policies and procedures, to the maximum extent practicable, are required to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. Florida's 30 ELCs are allowed to retain and expend no more than 4.0 percent of the funds paid by the coalition to private prekindergarten providers and public schools for the VPK program. The funds retained by an early learning coalition can only be used for administering the VPK program and cannot be used for the school readiness (SR) program or other programs.<sup>35</sup>

In 2022-23, Florida's 30 ELCs administered the VPK program to 158,408 children enrolled in 6,237 private and public providers.<sup>36</sup> For the same year, direct expenditures totaled \$396,563,661 and ELCs collectively withheld \$13,907,380 in total administrative expenditures, or 3.51 percent of expenditures. The ELC of Northwest Florida withheld the lowest percentage at 2.3 percent while the ELC of Marion County withheld the highest percentage at 4.51 percent.<sup>37</sup> All but seven ELCs withheld less than the 4.0 percent allowed in statute.

At the inception of the VPK program, ELCs were allowed to retain 5.0 percent in administrative expenses for the 2005-2006 program year.<sup>38</sup> In 2009 the percentage was dropped to 4.85 percent effective for the 2008-2009 program year.<sup>39</sup> For the 2020-2011 program year the percentage was reduced again to 4.5 percent.<sup>40</sup> Finally, in 2011 the percentage was further reduced to 4.0 percent for the 2011-2012 program year where it has remained until present.<sup>41</sup>

### Florida Early Learning and Developmental Standards

The DOE is required to monitor the alignment and consistency of the standards and benchmarks developed and adopted that address the age-appropriate progress of children in the development of the skills needed to be successful in school. The standards for children from birth to kindergarten entry in the SR program are required to be aligned with the performance standards adopted for children in the VPK program.<sup>42</sup> Statute requires the standards to address the following domains:<sup>43</sup>

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.

### Early Learning Coalition Governance

---

<sup>33</sup> Section 1002.68(5)(c), F.S.

<sup>34</sup> Section 1002.68(6), F.S.

<sup>35</sup> Section 1002.71(7), F.S.

<sup>36</sup> DOE, Division of Early Learning (DEL), *Division of Early Learning, Annual Report 2022-2023* (2023), at 14, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

<sup>37</sup> *Id.* at 26.

<sup>38</sup> Section 1002.71(7), F.S. (2005)

<sup>39</sup> Section 7, ch. 2009-3, L.O.F.

<sup>40</sup> Section 10, ch. 2010-154, L.O.F.

<sup>41</sup> Section 13, ch. 2011-55, L.O.F.

<sup>42</sup> Section 1002.82(2)(j), F.S.

<sup>43</sup> *Id.*

Florida statute authorizes 30 or fewer ELCs which are established to maintain direct services for VPK and SR programs at the local level and provide services in all 67 counties.<sup>44</sup> Each ELC must have at least 15 members but not more than 30 members. The Governor appoints the chair and two other members of each ELC, who must each meet certain qualifications.<sup>45</sup>

Each ELC must include the following member positions:

- A Department of Children and Families (DCF) regional administrator.
- A district superintendent of schools.
- A local workforce development board executive director
- A county health department director.
- A children's services council or juvenile welfare board chair or executive director from each county, if applicable.
- A DCF child care regulation representative or an agency head of a local licensing agency.
- A president of a Florida College System institution.
- One member appointed by a board of county commissioners or the governing board of a municipality.
- A Head Start director.
- A representative of private for-profit child care providers, including private for-profit family day care homes.
- A representative of faith-based child care providers.
- A representative of programs for children with disabilities.<sup>46</sup>

An ELC may appoint additional members who must be private sector business members, either for-profit or nonprofit with certain criteria.<sup>47</sup>

### School Readiness Program Funding

Florida's SR program offers low-income families financial assistance to facilitate access to high-quality child care and early education for their children while parents work or participate in job training. The DEL administers the program at the state level while ELCs administer the SR program at the county and regional levels. In fiscal year 2022-23, there were 209,986 children enrolled with 6,790 early learning providers in Florida's SR program.<sup>48</sup>

Funding comes from four sources; the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida. The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills.<sup>49</sup>

Costs for the SR program must be kept to the minimum necessary for the efficient and effective administration of the program, with the highest priority of expenditure being direct services for eligible children. No more than 5 percent of the funds allocated in the General Appropriations Act may be used for administrative costs and no more than 22 percent of the funds allocated may be used in any fiscal year for any combination of administrative costs, quality activities, and nondirect services.<sup>50</sup>

Non-direct services include:<sup>51</sup>

---

<sup>44</sup> Section 1002.83(1), F.S.

<sup>45</sup> Section 1002.83(2)-(3), F.S.

<sup>46</sup> Section 1002.83(4), F.S.

<sup>47</sup> Section 1002.83(6), F.S.

<sup>48</sup> DOE, Division of Early Learning (DEL), *Division of Early Learning, Annual Report 2023-2023 (2023)*, at 4, available at <https://www.fldoe.org/core/fileparse.php/20628/urlt/2223-DEL-AnnualReport.pdf>.

<sup>49</sup> *Id.*

<sup>50</sup> Section 1002.89(4), F.S.

<sup>51</sup> Section 1002.89(4)(a)-(b), F.S.

- Administrative costs, including monitoring providers to improve compliance with state and federal regulations and law pursuant to the requirements of the statewide provider contract.<sup>52</sup>
- Activities to improve the quality of child care, limited to:<sup>53</sup>
  1. Developing, establishing, expanding, operating, and coordinating resource and referral programs.
  2. Awarding grants and providing financial support to SR program providers and their staff to assist them in meeting applicable state requirements for the program assessment, child care performance standards, implementing developmentally appropriate curricula and related classroom resources that support curricula, providing literacy supports, and providing continued professional development and training.
  3. Providing training, technical assistance, and financial support to SR program providers, staff, and parents on standards, child screenings, child assessments, child development research and best practices, developmentally appropriate curricula, character development, teacher-child interactions, age-appropriate discipline practices, health and safety, nutrition, first aid, cardiopulmonary resuscitation, the recognition of communicable diseases, and child abuse detection, prevention, and reporting.
  4. Providing adequate funding for infants and toddlers as necessary to meet federal requirements related to expenditures for quality activities for infant and toddler care.
  5. Improving the monitoring of compliance with, and enforcement of, applicable state and local requirements.
  6. Responding to Warm-Line requests by providers and parents, including providing developmental and health screenings to SR program children.
- Other services required to administer the SR program including:
  1. Assisting families to complete the required application and eligibility documentation.
  2. Determining child and family eligibility.
  3. Recruiting eligible child care providers.
  4. Processing and tracking attendance records.
  5. Developing and maintaining a statewide child care information system.<sup>54</sup>

### Instructional Support for Early Literacy

Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.<sup>55</sup> As part of this system, the district must develop, and submit to the district school board for approval, a detailed reading instruction plan that outlines the components of the district's comprehensive system of reading instruction.<sup>56</sup> The plan must also include the planned school year expenditures for each component,<sup>57</sup> which may include:

- Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students.
- Highly qualified reading coaches, who are endorsed in reading, to support classroom teachers.
- Professional development to assist with earning a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.
- Summer reading camps.
- Incentives for instructional personnel and certified prekindergarten teachers who possess a reading certification or endorsement or micro-credential and provide educational support to improve student literacy.
- Tutoring in reading.<sup>58</sup>

<sup>52</sup> Section 1002.89(4)(a), F.S.; Administrative costs are described in 45 C.F.R. s. 98.54.

<sup>53</sup> Section 1002.89(4)(b), F.S. Activities to improve the quality of child care are described in 45 C.F.R. s. 98.53.

<sup>54</sup> Section 1002.89(4)(c), F.S.

<sup>55</sup> Section 1003.4201, F.S.

<sup>56</sup> Section 1003.4201(1), F.S.

<sup>57</sup> Section 1003.4201(2)(b)

<sup>58</sup> Section 1003.4201(2)(a), F.S.

A VPK program student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the final CSPM must be referred to the local school district and may be eligible to receive instruction in early literacy skills before participating in kindergarten. A prekindergarten student with an IEP who has been retained and has demonstrated a substantial deficiency in early literacy skills is required to receive instruction in early literacy skills.<sup>59</sup>

## **Effect of Proposed Changes**

### Summer VPK Instructor Requirements

The bill authorizes additional credentialed instructors to be the lead VPK instructor in a summer program. In order to be the lead instructor, the individual must have completed a child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition or a credential approved by the DCF as being equivalent to or greater than that issued by the National program. Additionally, the individual must have completed the early literacy micro-credential program or have an instructional support score of three or higher on the required program assessment under the VPK or SR program. This modification may increase the number of available candidates that can be the lead instructor in summer VPK classrooms.

### VPK Performance Standards

The bill prohibits a VPK provider from using curriculum for the CSPM program, another progress monitoring program, or an instructional program that requires student use of a one-to-one electronic device for direct student instruction. The prohibition is intended to limit the use of electronic devices in VPK classrooms.

### VPK Program Accountability

The bill saves from repeal the 2024-2025 program year that the DOE is required to adopt a methodology for calculation of the performance metric. The change would move the calculation to the same year the DOE is required to issue the performance metric.<sup>60</sup>

The bill allows for an alternate calculation of the program assessment composite score, which is one factor required in the calculation of the performance metric, from the program assessment composite score that is issued to measure the quality of teacher-child interactions in VPK classrooms.

The bill adds a requirement to the duties of an ELC related to a VPK provider being placed on probation. Beginning with the 2024-2025 VPK program year, a VPK provider must notify each enrolled student's parent of the probationary status.

The bill modifies the health and safety standards under which a provider cannot be granted a good cause exemption based on failing to meet the minimum performance metric score or designation for three consecutive years. The bill changes the standard from two or more Class II violations within the past two years to three or more of the same Class II violations.

### Administrative Funding for the VPK Program

The bill increases from 4 percent to 5 percent the amount of funds paid to private prekindergarten providers and public schools for the VPK program that each ELC may retain and expend. This represents a 25 percent increase in allowable administrative costs for the VPK program.

### Florida Early Learning and Developmental Standards

---

<sup>59</sup> Section 1008.25(5)(b), F.S.

<sup>60</sup> The program year was changed by s. 5, ch. 2023-240, L.O.F. and will revert to the 2022-2023 program year on June 30, 2023, unless acted upon by the Legislature.



The bill revises the “self-regulation” domain in the early learning standards (birth to kindergarten) to “executive functioning.”<sup>61</sup>

### Early Learning Coalition Governance

The bill allows each ELC to appoint an additional public sector board member in order to include a representative of local law enforcement.

### SR Program Funding

The bill revises the allowable activities to improve the quality of child care that each ELC can use SR program funds to support. Under the activity of awarding grants and providing financial support to SR program providers and their staff, the bill authorizes grants and financial support for:

- Resources that support parent engagement.
- Professional development through the Teacher Education and Compensation Helps (TEACH) scholarship program.
- Training aligned to the early learning professional development standards and career pathways.
- Reimbursement for background screenings.

Additionally, the bill allows each ELC to use SR program funds to provide training aligned to the early learning professional development standards and career pathways, and to provide technical assistance, and financial support to SR program providers, staff, and parents on the revised early learning standard of “executive functioning” and the developmentally appropriate curriculum used by an SR provider, which must meet the performance standards for the SR program. The bill removes activities associated with child development research and best practices and character development.

### Instructional Support for Early Literacy

The bill creates a summer bridge program for VPK students who have attended at least 80 percent of the school year program and have a substantial deficiency in early literacy as identified by the DOE adopted VPK performance standards and have scored below the 20<sup>th</sup> percentile on the final administration of the CSPM. Students identified are eligible to receive early literacy instructional support services through a summer bridge program that meets requirements established by the DOE and consists of four hours of instruction per day for a minimum of 100 total hours. The program must be paid for with funds from the district’s evidence-based reading instruction allocation in accordance with the district’s comprehensive system of reading instruction.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 1002.61, F.S.; revising requirements for prekindergarten instructors.

**Section 2:** Amends s. 1002.67, F.S.; prohibiting private prekindergarten provider and public school curricula from using a coordinated screening and progress monitoring program or other specified methods for direct student instruction.

**Section 3:** Amends s. 1002.68, F.S.; authorizing alternative methods for calculating program assessment composite scores; requiring prekindergarten providers and public schools to notify parents under certain circumstances; revising exceptions for a good cause exemption; making technical changes.

**Section 4:** Amends s. 1002.71, F.S.; authorizing alternative methods for calculating program assessment composite scores; requiring prekindergarten providers and public schools to

---

<sup>61</sup> Executive function skills are the attention-regulation skills that make it possible to sustain attention, keep goals and information in mind, refrain from responding immediately, resist distraction, tolerate frustration, consider the consequences of different behaviors, reflect on past experiences, and plan for the future. Zelazo, P.D., Blair, C.B., and Willoughby, M.T. (2016). *Executive Function: Implications for Education* (NCER 2017-2000) Washington, DC: National Center for Education Research, Institute of Education Sciences, U.S. Department of Education, at 1, available at <https://ies.ed.gov/ncer/pubs/20172000/pdf/20172000.pdf>.

notify parents under certain circumstances; revising exceptions for a good cause exemption; making technical changes.

**Section 5:** Amends s. 1002.82, F.S.; revising the performance standards adopted by the Department of Education relating to the Voluntary Prekindergarten Education Program.

**Section 6:** Amends s. 1002.83, F.S.; authorizing an early learning coalition to appoint a certain additional board member.

**Section 7:** Amends s. 1002.89, F.S.; revising School Readiness program expenditures that are subject to certain cost requirements.

**Section 8:** Amends s. 1008.25, F.S.; providing that certain Voluntary Prekindergarten Education Program students are eligible to receive instructional support in early literacy skills through a specified program; providing specifications for the program; providing for funding for the program.

**Section 9:** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The following provisions of the bill have a fiscal impact to state expenditures:

- Section 4 increasing from 4 percent to 5 percent the amount each ELC may retain and expend on administrative expenditures. The DOE's Fiscal Year 2024-2025 Legislative Budget Request (LBR) included a request for \$4.3 million in recurring funds to pay for the increase to 5 percent.
- Section 8 establishing the VPK summer bridge program. HB 5101 also establishes a VPK summer bridge program and PCB APC 24-01 appropriates \$6.9 million in nonrecurring funds from the General Fund Program for the program. The VPK summer bridge program in this bill is different from the program established in HB 5101. The primary difference is the eligibility requirement; in HB 5101, eligibility is VPK students who score at or below the 10<sup>th</sup> percentile on the final administration of the CSPM and in this bill, eligibility is set at or below the 20<sup>th</sup> percentile. It would be anticipated that the fiscal associated with the 20<sup>th</sup> percentile would be more than \$6.9 million.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill authorizes the Department of Education to adopt rules related to Voluntary Prekindergarten program accountability. Rules adopted under existing authority may also need to be amended to conform with the provisions of the bill.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 8 of the bill requires that the summer bridge program created in the bill must be paid for with funds from the school district's evidence-based reading instruction allocation. That categorical under the Florida Education Finance Program was removed in HB 5101 (ch. 2023-245, Laws of Florida).

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1                   A bill to be entitled  
2           An act relating to early learning; amending s.  
3           1002.61, F.S.; revising requirements for  
4           prekindergarten instructors; amending s. 1002.67,  
5           F.S.; prohibiting private prekindergarten provider and  
6           public school curricula from using a coordinated  
7           screening and progress monitoring program or other  
8           specified methods for direct student instruction;  
9           amending s. 1002.68, F.S.; authorizing alternative  
10          methods for calculating program assessment composite  
11          scores; requiring prekindergarten providers and public  
12          schools to notify parents under certain circumstances;  
13          revising exceptions for a good cause exemption; making  
14          technical changes; amending s. 1002.71, F.S.; revising  
15          the percentage of funds an early learning coalition  
16          may retain and expend; amending s. 1002.82, F.S.;  
17          revising the performance standards adopted by the  
18          Department of Education relating to the Voluntary  
19          Prekindergarten Education Program; amending s.  
20          1002.83, F.S.; authorizing an early learning coalition  
21          to appoint a certain additional board member; amending  
22          s. 1002.89, F.S.; revising school readiness program  
23          expenditures that are subject to certain cost  
24          requirements; amending s. 1008.25, F.S.; providing  
25          that certain Voluntary Prekindergarten Education

26 Program students are eligible to receive instructional  
 27 support in early literacy skills through a specified  
 28 program; providing specifications for the program;  
 29 providing for funding for the program; providing an  
 30 effective date.

31  
 32 Be It Enacted by the Legislature of the State of Florida:

33  
 34 Section 1. Subsection (4) of section 1002.61, Florida  
 35 Statutes, is amended to read:

36 1002.61 Summer prekindergarten program delivered by public  
 37 schools and private prekindergarten providers.—

38 (4) Notwithstanding ss. 1002.55(3)(c)1. and 1002.63(4),  
 39 each public school and private prekindergarten provider must  
 40 have, for each prekindergarten class, at least one  
 41 prekindergarten instructor who is a certified teacher or holds  
 42 one of the educational credentials specified in s. 1002.55(4)(a)  
 43 or (b), or an educational credential specified in s.  
 44 1002.55(3)(c)1. as long as the instructor has completed the  
 45 early literacy micro-credential program under s. 1003.485 or has  
 46 an instructional support score of 3 or higher on a program  
 47 assessment conducted under s. 1002.68(2) or s. 1002.82(2)(n). As  
 48 used in this subsection, the term "certified teacher" means a  
 49 teacher holding a valid Florida educator certificate under s.  
 50 1012.56 who has the qualifications required by the district

51 school board to instruct students in the summer prekindergarten  
 52 program. In selecting instructional staff for the summer  
 53 prekindergarten program, each school district shall give  
 54 priority to teachers who have experience or coursework in early  
 55 childhood education and have completed emergent literacy and  
 56 performance standards courses, as provided for in s.  
 57 1002.55(3)(c)2.

58 Section 2. Paragraph (b) of subsection (2) of section  
 59 1002.67, Florida Statutes, is amended to read:

60 1002.67 Performance standards and curricula.—  
 61 (2)

62 (b) Each private prekindergarten provider's and public  
 63 school's curriculum must be developmentally appropriate and  
 64 must:

65 1. Be designed to prepare a student for early literacy and  
 66 provide for instruction in early math skills;

67 2. Develop students' background knowledge through a  
 68 content-rich and sequential knowledge building early literacy  
 69 curriculum;

70 3. Enhance the age-appropriate progress of students in  
 71 attaining the performance standards adopted by the department  
 72 under subsection (1); and

73 4. Support student learning gains through differentiated  
 74 instruction that must ~~shall~~ be measured by the coordinated  
 75 screening and progress monitoring program under s. 1008.25(9). A

76 private prekindergarten provider's or public school's curriculum  
77 may not use the coordinated screening and progress monitoring  
78 program, any other progress monitoring program, or an  
79 instructional program that requires one student to one device  
80 for direct student instruction.

81 Section 3. Paragraphs (a) and (c) of subsection (4),  
82 paragraph (a) of subsection (5), and paragraph (d) of subsection  
83 (6) of section 1002.68, Florida Statutes, are amended to read:

84 1002.68 Voluntary Prekindergarten Education Program  
85 accountability.—

86 (4)(a) Beginning with the 2024-2025 ~~2023-2024~~ program  
87 year, the department shall adopt a methodology for calculating  
88 each private prekindergarten provider's and public school  
89 provider's performance metric, which must be based on a  
90 combination of the following:

91 1. Program assessment composite scores under subsection  
92 (2), which may be calculated differently, based on the  
93 methodology adopted by the department, than the program  
94 assessment composite score required for contracting in paragraph  
95 (5)(a), and which must be weighted at no less than 50 percent.

96 2. Learning gains operationalized as change-in-ability  
97 scores from the initial and final progress monitoring results  
98 described in subsection (1).

99 3. Norm-referenced developmental learning outcomes  
100 described in subsection (1).

101 (c) The program assessment composite score in subsection  
102 (5) and performance metric must be calculated for each private  
103 prekindergarten or public school site.

104 (5)(a) Beginning with the 2024-2025 program year, if a  
105 private prekindergarten provider's or public school's  
106 performance metric or designation does not maintain ~~falls below~~  
107 the minimum performance metric or designation, the early  
108 learning coalition shall:

109 1. Require the provider or school to submit for approval  
110 to the early learning coalition an improvement plan and  
111 implement the plan.

112 2. Place the provider or school on probation.

113 3. Require the provider or school to take certain  
114 corrective actions, including notifying the parent of each  
115 student enrolled in the Voluntary Prekindergarten Education  
116 Program based on rules adopted by the department and the use of  
117 a curriculum approved by the department under s. 1002.67(2)(c)  
118 and a staff development plan approved by the department to  
119 strengthen instructional practices in emotional support,  
120 classroom organization, instructional support, language  
121 development, phonological awareness, alphabet knowledge, and  
122 mathematical thinking.

123 (6)

124 (d) A good cause exemption may not be granted to any  
125 private prekindergarten provider or public school that has any



126 class I violations or three ~~two~~ or more of the same class II  
127 violations, as defined by rule of the Department of Children and  
128 Families, within the 2 years preceding the provider's or  
129 school's request for the exemption.

130 Section 4. Subsection (7) of section 1002.71, Florida  
131 Statutes, is amended to read:

132 1002.71 Funding; financial and attendance reporting.—

133 (7) The department shall require that administrative  
134 expenditures be kept to the minimum necessary for efficient and  
135 effective administration of the Voluntary Prekindergarten  
136 Education Program. Administrative policies and procedures shall  
137 be revised, to the maximum extent practicable, to incorporate  
138 the use of automation and electronic submission of forms,  
139 including those required for child eligibility and enrollment,  
140 provider and class registration, and monthly certification of  
141 attendance for payment. A school district may use its automated  
142 daily attendance reporting system for the purpose of  
143 transmitting attendance records to the early learning coalition  
144 in a mutually agreed-upon format. In addition, actions shall be  
145 taken to reduce paperwork, eliminate the duplication of reports,  
146 and eliminate other duplicative activities. Each early learning  
147 coalition may retain and expend no more than 5.0 ~~4.0~~ percent of  
148 the funds paid by the coalition to private prekindergarten  
149 providers and public schools under paragraph (5) (b). Funds  
150 retained by an early learning coalition under this subsection

151 may be used only for administering the Voluntary Prekindergarten  
152 Education Program and may not be used for the school readiness  
153 program or other programs.

154 Section 5. Paragraph (j) of subsection (2) of section  
155 1002.82, Florida Statutes, is amended to read:

156 1002.82 Department of Education; powers and duties.—

157 (2) The department shall:

158 (j) Monitor the alignment and consistency of the standards  
159 and benchmarks developed and adopted by the department that  
160 address the age-appropriate progress of children in the  
161 development of school readiness skills. The standards for  
162 children from birth to kindergarten entry in the school  
163 readiness program must be aligned with the performance standards  
164 adopted for children in the Voluntary Prekindergarten Education  
165 Program and must address the following domains:

- 166 1. Approaches to learning.
- 167 2. Cognitive development and general knowledge.
- 168 3. Numeracy, language, and communication.
- 169 4. Physical development.
- 170 5. Executive functioning ~~Self-regulation~~.

171 Section 6. Present subsections (5) through (16) of section  
172 1002.83, Florida Statutes, are redesignated as subsections (6)  
173 through (17), respectively, a new subsection (5) is added to  
174 that section, and subsection (3) of that section is amended, to  
175 read:

176 1002.83 Early learning coalitions.—

177 (3) The Governor shall appoint the chair and two other  
 178 members of each early learning coalition, who must each meet the  
 179 qualifications of a private sector business member under  
 180 subsection (7) ~~(6)~~. In the absence of a governor-appointed  
 181 chair, the Commissioner of Education may appoint an interim  
 182 chair from the current early learning coalition board  
 183 membership.

184 (5) Each early learning coalition may choose to appoint an  
 185 additional public sector board member in order to include a  
 186 representative of local law enforcement.

187 Section 7. Subsection (4) of section 1002.89, Florida  
 188 Statutes, is amended to read:

189 1002.89 School readiness program; funding.—

190 (4) COST REQUIREMENTS.—Costs shall be kept to the minimum  
 191 necessary for the efficient and effective administration of the  
 192 school readiness program with the highest priority of  
 193 expenditure being direct services for eligible children.  
 194 However, no more than 5 percent of the funds allocated in  
 195 paragraph (1)(a) may be used for administrative costs and no  
 196 more than 22 percent of the funds allocated in paragraph (1)(a)  
 197 may be used in any fiscal year for any combination of  
 198 administrative costs, quality activities, and nondirect services  
 199 as follows:

200 (a) Administrative costs as described in 45 C.F.R. s.

201 98.54, which shall include monitoring providers using the  
 202 standard methodology adopted under s. 1002.82 to improve  
 203 compliance with state and federal regulations and law pursuant  
 204 to the requirements of the statewide provider contract adopted  
 205 under s. 1002.82(2)(m).

206 (b) Activities to improve the quality of child care as  
 207 described in 45 C.F.R. s. 98.53, which shall be limited to the  
 208 following:

209 1. Developing, establishing, expanding, operating, and  
 210 coordinating resource and referral programs specifically related  
 211 to the provision of comprehensive consumer education to parents  
 212 and the public to promote informed child care choices specified  
 213 in 45 C.F.R. s. 98.33.

214 2. Awarding grants and providing financial support to  
 215 school readiness program providers and their staff to assist  
 216 them in meeting applicable state requirements for the program  
 217 assessment required under s. 1002.82(2)(n), child care  
 218 performance standards, implementing developmentally appropriate  
 219 curricula and related classroom resources that support parent  
 220 engagement ~~curricula~~, ~~providing~~ literacy supports, ~~and~~ providing  
 221 continued professional development through the Teacher Education  
 222 and Compensation Helps (TEACH) Scholarship Program under s.  
 223 1002.95 and training aligned to the early learning professional  
 224 development standards and career pathways under s. 1002.995, and  
 225 reimbursement for background screenings and training. Any grants

226 awarded pursuant to this subparagraph must ~~shall~~ comply with ss.  
227 215.971 and 287.058.

228 3. Providing training aligned with the early learning  
229 professional development standards and career pathways under s.  
230 1002.995, technical assistance, and financial support to school  
231 readiness program providers, staff, and parents on standards,  
232 child screenings, child assessments, the ~~child development~~  
233 ~~research and best practices~~, developmentally appropriate  
234 curriculum under s. 1002.82(2)(1), executive functioning  
235 ~~curricula~~, ~~character development~~, teacher-child interactions,  
236 age-appropriate discipline practices, health and safety,  
237 nutrition, first aid, cardiopulmonary resuscitation, the  
238 recognition of communicable diseases, and child abuse detection,  
239 prevention, and reporting.

240 4. Providing, from among the funds provided for the  
241 activities described in subparagraphs 1.-3., adequate funding  
242 for infants and toddlers as necessary to meet federal  
243 requirements related to expenditures for quality activities for  
244 infant and toddler care.

245 5. Improving the monitoring of compliance with, and  
246 enforcement of, applicable state and local requirements as  
247 described in and limited by 45 C.F.R. s. 98.40.

248 6. Responding to Warm-Line requests by providers and  
249 parents, including providing developmental and health screenings  
250 to school readiness program children.

251 (c) Nondirect services as described in applicable Office  
 252 of Management and Budget instructions are those services not  
 253 defined as administrative, direct, or quality services that are  
 254 required to administer the school readiness program. Such  
 255 services include, but are not limited to:

- 256 1. Assisting families to complete the required application
- 257 and eligibility documentation.
- 258 2. Determining child and family eligibility.
- 259 3. Recruiting eligible child care providers.
- 260 4. Processing and tracking attendance records.
- 261 5. Developing and maintaining a statewide child care
- 262 information system.

263  
 264 As used in this paragraph, the term "nondirect services" does  
 265 not include payments to school readiness program providers for  
 266 direct services provided to children who are eligible under s.  
 267 1002.87, administrative costs as described in paragraph (a), or  
 268 quality activities as described in paragraph (b).

269 Section 8. Paragraph (b) of subsection (5) of section  
 270 1008.25, Florida Statutes, is amended to read:

271 1008.25 Public school student progression; student  
 272 support; coordinated screening and progress monitoring;  
 273 reporting requirements.—

274 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

275 (b) A Voluntary Prekindergarten Education Program student

HB 1353

2024

276 who has attended at least 80 percent of the school year program  
277 and who exhibits a substantial deficiency in early literacy  
278 skills as identified by the performance standards adopted under  
279 s. 1002.67(1)(a) and scores below the 20th percentile on based  
280 upon the results of the administration of the final  
281 administration of the coordinated screening and progress  
282 monitoring under subsection (9) is ~~shall be referred to the~~  
283 ~~local school district and may be~~ eligible to receive early  
284 literacy instructional support through a summer bridge program  
285 the summer instruction in early literacy skills before  
286 participating in kindergarten. The summer bridge program must  
287 meet the requirements adopted by the department and consist of 4  
288 hours of instruction per day for a minimum of 100 total hours.  
289 Such early literacy skill instructional support must be paid for  
290 with funds from the district's evidence-based reading  
291 instruction allocation in accordance with s. 1003.4201 ~~A student~~  
292 ~~with an individual education plan who has been retained pursuant~~  
293 ~~to paragraph (2)(g) and has demonstrated a substantial~~  
294 ~~deficiency in early literacy skills must receive instruction in~~  
295 ~~early literacy skills.~~

296 Section 9. This act shall take effect July 1, 2024.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 483 Education  
**SPONSOR(S):** Choice & Innovation Subcommittee  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1344

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Dixon	Sleap

### SUMMARY ANALYSIS

The bill establishes the Artificial Intelligence in Education Task Force (task force), within the Department of Education (DOE) to evaluate the current state of artificial intelligence (AI) technology and its potential applications in K-12 and higher education and assess the ethical, legal, and data privacy implications of AI usage in education.

The bill requires the Commissioner of Education to serve as the chair of the task force, and the Governor will appoint members with expertise in various fields relevant to education, technology, AI, ethics, data privacy, industry demands, state and local policy, and procurement. The task force must include representatives from school boards, superintendents, faculty, and teachers.

The bill requires the task force to meet, beginning in January 2025, at least four times per year and to complete its work within one year. Upon completion, the task force must submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Additionally, the bill requires the DOE to adopt and publish a strategic plan for a statewide computer science education program by February 28, 2026. The bill requires the strategic plan, to among other things, include a timeline for implementing objectives or goals in the plan, a summary of the current K-12 computer science state landscape, a plan for expanding flexible options to license computer science teachers, and a plan for expanding computer science education opportunities to every school in the state.

The bill may have a fiscal impact to the state. See Fiscal Comments.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Computer Science Courses and Instruction

Florida law defines computer science as the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, and their impact on society.<sup>1</sup> Computer science also includes computer coding and computer programming.

Computer science is a foundational subject for students' education and their future careers and interest. It necessitates the development of robust computational thinking skills, that extend beyond the fields of science, technology, engineering, and mathematics to encompass the arts and humanities.<sup>2</sup>

Computational thinking refers to the thought processes involved in expressing solutions as computational steps or algorithms that can be carried out by a computer. This problem-solving process, although commonly associated with computer science, is versatile and finds intentional connections across multiple educational disciplines within the classroom settings.<sup>3</sup>

Florida public schools are required to provide students in grades K-12 opportunities for learning computer science including computer coding and computer programming.<sup>4</sup> Opportunities for computer science learning may include:<sup>5</sup>

- instruction on computer coding in elementary and middle school;
- instruction to develop computer usage and digital literacy skills in middle school; and
- must include courses in computer science in middle and high school, including earning related industry certifications.

Elementary and middle schools may establish digital classrooms in which students are provided opportunities to improve digital literacy and competency; to learn digital skills, such as coding, multiple media presentation, and the manipulation of multiple digital graphic images. Students may also have the opportunity to earn digital tool certificates and certifications.<sup>6</sup>

Computer science courses must be offered to students in high school, including opportunities to earn industry certifications to satisfy high school graduation requirements.<sup>7</sup> Computer science courses and technology-related industry certifications that are identified as meeting mathematics or science requirements for high school graduation must be included in the Course Code Directory (CCD).<sup>8</sup> There

---

<sup>1</sup> Section 1007.2616(1), F.S.

<sup>2</sup> K-12 Computer Instructional Framework Steering Committee, *K-12 Computer Science Framework*, available at <https://k12cs.org/wp-content/uploads/2016/09/K%E2%80%9312-Computer-Science-Framework-handout-one-page.pdf>; see also K12 CS, *K-12 Computer Science Framework*, <https://k12cs.org/> (last visited Jan. 26, 2024). The K-12 Computer Instructional Framework Steering Committee consists of the Association for Computing Machinery, Code.org, Computer Science Teachers Association, Cyber Innovation Center, National Math and Science Initiative.

<sup>3</sup> K-12 Computer Instructional Framework Steering Committee, *K-12 Computer Instructional Framework*, at 68, 69, and 127, available at <https://k12cs.org/wp-content/uploads/2016/09/K%E2%80%9312-Computer-Science-Framework.pdf>.

<sup>4</sup> Section 1007.2616(2)(a), F.S.

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

<sup>6</sup> Section 1007.2616(5), F.S.; see s. 1003.4203, F.S.

<sup>7</sup> Section 1007.2616(6), F.S.; see s. 1003.4282(3), F.S.

<sup>8</sup> Section 1007.2616(2)(b) and (6), F.S.; see also Florida Department of Education, *2023-2024 Course Directory*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-15909>. The Course Code Directory (CCD) lists all public pre-K-12 and postsecondary career and technical education courses available for use by school districts. Programs and courses funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult

are 72 middle and high school, as well as two elementary school, computer science courses currently identified in the CCD.<sup>9</sup>

The Florida Virtual School (FLVS) must offer computer science courses identified in the CCD. If a school district does not offer an identified course, the district must provide students access to the course through FLVS or through other means.<sup>10</sup>

### *Classroom Teacher Bonuses and Training*

Subject to legislative appropriation, a classroom teacher who was evaluated as effective or highly effective in the previous school year or who is newly hired by the school board and has not been evaluated, must receive a bonus as follows:

- If the classroom teacher holds an educator certificate in computer science or if he or she has passed the computer science subject area examination and holds an adjunct certificate, the teacher must receive a bonus of \$1,000 after each year the teacher completes teaching a computer science course identified in the CCD at a public middle or high school, for up to three years.<sup>11</sup>
- If the classroom teacher holds an industry certification associated with a course identified in the CCD, the teacher will receive a bonus of \$500 after each year the teacher completes teaching the course at a public middle or high school, for up to three years.<sup>12</sup>

Additionally, subject to legislative appropriation, a school district or a consortium of school districts may apply to the Department of Education (DOE) for funding to deliver or facilitate training sessions for classroom teachers in obtaining either an educator certificate in computer science, an industry certification associated with an identified course, or for professional development providing instruction in computer science courses and content. The funding may only be used to provide training for classroom teachers and to pay fees for examinations that lead to a qualifying credential, or to provide professional development.<sup>13</sup>

### Artificial Intelligence

Artificial intelligence (AI) is the theory and development of computer systems capable of performing tasks that historically required human intelligence, such as recognizing speech, making decisions, and identifying patterns. Some of the most common examples of AI in use today include chatbots like ChatGPT, recommendation systems used in streaming platforms such as Netflix, and self-driving vehicles, such as Tesla.<sup>14</sup>

### *The Use of AI in Education*

Artificial intelligence (AI) has the potential to improve K-12 education in the United States. For students, AI can provide them a personalized learning experience tailored to their individual preferences and needs, immediate feedback on their work and answers to their questions, and increased access to tutoring and other educational materials. For teachers, it can help automate some of their workload, design better interventions, and reduce burnout. And for administrators, AI can monitor the student body and provide preemptive interventions with the help of predictive analytics. But while there are many benefits to AI in schools, there are a number of technical, operational, and social challenges that limit AI-driven innovation in the education sector.<sup>15</sup>

---

<sup>9</sup> *Id.*

<sup>10</sup> Section 1007.2616(3), F.S.

<sup>11</sup> Section 1007.2616(7)(a), F.S.

<sup>12</sup> Section 1007.2616(7)(b), F.S.

<sup>13</sup> Section 1007.2616(4)(a), F.S.

<sup>14</sup> Coursera, *What is Artificial Intelligence? Definitions, Uses, and Types*, <https://www.coursera.org/articles/what-is-artificial-intelligence> (last visited Jan. 26, 2024).

<sup>15</sup> Gillian Diebol and Chelsea Han, *How AI Can Improve K-12 Education in the United States* (April 2020), available at <https://www2.datainnovation.org/2022-ai-education.pdf>.

## Developed Guidelines Related to AI in Education

The recent surge in the use of generative AI applications has prompted discussions about the role of this technology in the field of education. In fall 2022, the White House Office of Science and Technology announced<sup>16</sup> a series of steps to address the rise of AI-driven tools across a variety of sectors.<sup>17</sup> The United States Department of Education (USDOE) was charged with developing guidance and recommendations for the use of AI in teaching and learning. The USDOE published the report<sup>18</sup> in May 2023 with guidance and recommendations focused on the use of AI to:<sup>19</sup>

- leverage automation;
- support education systems, teachers, and classroom planning;
- interrogate data and examine inequities; and
- protect student privacy and assess student learning.

The report notes several desired national research and design (R&D) objectives, such as, “creating and studying effective programs for AI literacy for students, teachers and educational constituents in general, including literacy with regard to the ethics and equity issues specific to AI in educational settings.”<sup>20</sup>

A few states are in the early stages of developing policies and guidance related to AI in education.<sup>21</sup> In January 2024, the North Carolina Department of Public Instruction became the fourth state education department to issue guidance to its schools on the use of AI technology.<sup>22</sup> Executive orders have been signed by the Governors in seven states<sup>23</sup> to establish task forces to recommend or establish standards and policies regarding the use of AI in education.<sup>24</sup>

### Effect of Proposed Changes

The bill establishes the Artificial Intelligence in Education Task Force (task force), within the Department of Education (DOE). The purpose of the task force is to:

- Evaluate the potential applications of artificial intelligence (AI) in K-12 and higher education.
- Develop policy recommendations for responsible and effective uses of AI by students and educators.
- Create a definition for the term “artificial intelligence”.
- Identify workforce needs related to AI, computational thinking, and computer science.
- Provide policy recommendations to ensure that the state develops education and workforce training programs that align with changing industry needs.

The bill defines the following terms:

- “Computational thinking” to mean the thought process involved in expressing solutions as computational steps or algorithms that can be carried out by a computer.
- “Computer science” to mean the study of computers and algorithmic processes, including their principles, hardware and software designs, applications, implementation, and impact on society,

---

<sup>16</sup> The White House, *Fact Sheet: Biden-Harris Administration Announces Key Actions to Advance Tech Accountability and Protect the Rights of the American Public*, <https://www.whitehouse.gov/ostp/news-updates/2022/10/04/fact-sheet-biden-harris-administration-announces-key-actions-to-advance-tech-accountability-and-protect-the-rights-of-the-american-public/> (last visited Jan. 26, 2024).

<sup>17</sup> Education Commission of the States, *State Information Request AI Regulation Policies* (Dec. 12 2023), available at [https://www.ecs.org/wp-content/uploads/State-Information-Request\\_AI-Regulation-Policies.pdf](https://www.ecs.org/wp-content/uploads/State-Information-Request_AI-Regulation-Policies.pdf).

<sup>18</sup> United States Department of Education, Office of Educational Technology, *Artificial Intelligence and the Future of Teaching and Learning: Insights and Recommendations* (May 2023), available at <https://www2.ed.gov/documents/ai-report/ai-report.pdf>.

<sup>19</sup> *Id.*, at 5.

<sup>20</sup> *Id.*, at 51.

<sup>21</sup> Education Commission of the States, *State Information Request AI Regulation Policies* (Dec. 12 2023), available at [https://www.ecs.org/wp-content/uploads/State-Information-Request\\_AI-Regulation-Policies.pdf](https://www.ecs.org/wp-content/uploads/State-Information-Request_AI-Regulation-Policies.pdf).

<sup>22</sup> EdNC, *N.C. DPI releases guidebook on the use of AI in schools*, <https://www.ednc.org/n-c-dpi-releases-guidebook-on-the-use-of-ai-in-schools/> (last visited Jan. 26, 2024).

<sup>23</sup> See Education Commission of the State; *supra* note 21. The seven states are California, New Jersey, Oklahoma, Oregon, Pennsylvania, Virginia, and Wisconsin.

<sup>24</sup> *Id.*

and includes computer coding, computer programming, computational thinking, robotics, cybersecurity, artificial intelligence, machine learning, computer networking, and physical computing.

The bill establishes the Commissioner of Education as the chair of the task force. Other member of the task force must be appointed by the Governor by October 1, 2024. The members must include, at a minimum:

- A representative from the State Board of Education;
- A representative from the Board of Governors;
- A representative of the State Workforce Development Board;
- A representative from the Division of State Purchasing within the Department of Management Services with expertise in technology procurement and data privacy standards;
- A representative from the Office of the Attorney General;
- One school board member and one district school superintendent, each representing a rural school district, a suburban school district, and an urban school district, respectively;
- A school district educational technology director;
- Faculty in this state with expertise on AI, educational technology, or ethics from a public college, a private college, and a community or technical college, respectively;
- Educators from one public school, one public charter school, and one private school in this state; and
- Leaders from three industry sectors in this state directly affected by developments in AI.

The bill requires the task force to meet at least four times per year beginning January 1, 2025, and to complete its work within one year. Upon completion, the task force must submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill specifies that all meetings must be open to the public.

The bill specifies that the DOE must provide administrative support for the task force, including, but not limited to, developing agendas, coordinating meetings, and drafting reports for task force feedback.

The bill requires the task force to do all of the following:

- Evaluate the current state of AI technology and its potential applications in K-12 and higher education.
- Assess the ethical, legal, and data privacy implications of AI usage in education.

Additionally, the bill requires the DOE to adopt and publish a strategic plan for a statewide computer science education program by February 28, 2026, which must include, at a minimum, all of the following:

- A statement of purpose describing the objectives or goals the DOE will accomplish by implementing a computer science education program, the strategies by which those goals will be achieved, and a timeline for achieving them.
- A summary of the current state landscape for K-12 computer science education, including the diversity of students taking these courses.
- A plan for expanding flexible options to license computer science teachers, which may include approval codes technical permits, ancillary licenses, and standard licenses.
- A plan for expanding computer science education opportunities to every school in the state by the timeline established within the statement of purpose.
- A plan for defining high-quality professional learning for teachers to begin teaching computer science.
- An ongoing evaluation process that is overseen by the DOE.
- Proposed rules that incorporate the principles of the strategic plan into the state's public education system as a whole.
- A recommended long-term plan for implementing a requirement that every K-12 public school and public charter school employ at least one certified or endorsed computer science teacher or one career and technical education teacher trained in computer science. The plan must allow for the requirement to be satisfied through multiple DOE approved processes for certification

and endorsement, including, but not limited to, endorsing a certified teacher endorsed in another subject area.

- A plan to ensure long-term sustainability.

The bill requires the SBE to adopt rules regarding the AI task force and strategic plan provisions created in the bill.

#### B. SECTION DIRECTORY:

**Section 1:** Creates s. 1003.4202, F.S., creating the AI in Education Task Force within the Department of Education; providing the purpose of the task force; defining terms; requiring the Commissioner of Education to serve as the chair of the task force; requiring the department to provide certain administrative support to the task force; requiring the Governor to appoint members to the task force by a specified date; requiring the task force to meet a certain number of times per year; providing the duties of the task force; requiring the department to adopt and publish by a specified date a strategic plan for computer science education; providing requirements for the strategic plan; requiring the State Board of Education to adopt rules.

**Section 2:** Establishes an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

#### D. FISCAL COMMENTS:

The Department of Education may incur costs associated with providing administrative support for the Artificial Intelligence Task Force, to include drafting reports for task force feedback.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

This bill requires the State Board of Education to adopt rules for the AI Education Task Force and the adoption of a statewide computer science education program strategic plan.

**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 computer science education;  
 3           creating s. 1003.4202, F.S.; creating the AI in  
 4           Education Task Force within the Department of  
 5           Education; providing the purpose of the task force;  
 6           defining terms; requiring the Commissioner of  
 7           Education to serve as the chair of the task force;  
 8           requiring the department to provide certain  
 9           administrative support to the task force; requiring  
 10          the Governor to appoint members to the task force by a  
 11          specified date; requiring the task force to meet a  
 12          certain number of times per year; providing the duties  
 13          of the task force; requiring the department to adopt  
 14          and publish by a specified date a strategic plan for  
 15          computer science education; providing requirements for  
 16          the strategic plan; requiring the State Board of  
 17          Education to adopt rules; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Section 1003.4202, Florida Statutes, is created  
 22 to read:

23           1003.4202 Computer science and technology instruction.—  
 24           (1) (a) The AI in Education Task Force is established  
 25 within the Department of Education. The purpose of the task



26 | force is to evaluate the potential applications of artificial  
27 | intelligence in K-12 and higher education and to develop policy  
28 | recommendations for responsible and effective uses of artificial  
29 | intelligence by students and educators, including creating a  
30 | definition for the term "artificial intelligence." The task  
31 | force shall also identify workforce needs related to artificial  
32 | intelligence, computational thinking, and computer science and  
33 | provide policy recommendations to ensure that the state develops  
34 | education and workforce training programs that align with  
35 | changing industry needs. As used in this section, the term  
36 | "computational thinking" means the thought process involved in  
37 | expressing solutions as computational steps or algorithms that  
38 | can be carried out by a computer, and the term "computer  
39 | science" means the study of computers and algorithmic processes,  
40 | including their principles, hardware and software designs,  
41 | applications, implementation, and impact on society, and  
42 | includes computer coding, computer programming, computational  
43 | thinking, robotics, cybersecurity, artificial intelligence,  
44 | machine learning, computer networking, and physical computing.

45 | (b) The Commissioner of Education shall serve as the chair  
46 | of the task force.

47 | (c) The department shall provide administrative support  
48 | for the task force, including, but not limited to, developing  
49 | agendas, coordinating meetings, and drafting reports for task  
50 | force feedback.

51           (d) The task force shall include members who possess  
 52 knowledge or expertise in the fields of education, technology,  
 53 artificial intelligence, ethics, data privacy, industry demands,  
 54 state and local policy, and state procurement.

55           (e) The Governor shall appoint members to the task force  
 56 by October 1, 2024. The members shall include, at a minimum:

57           1. A representative from the State Board of Education;

58           2. A representative from the Board of Governors of the  
 59 State University System;

60           3. A representative of the State Workforce Development  
 61 Board;

62           4. A representative from the Division of State Purchasing  
 63 within the Department of Management Services who has expertise  
 64 in technology procurement and data privacy standards;

65           5. A representative from the Office of the Attorney  
 66 General;

67           6. One local school board member and one local district  
 68 school superintendent, each representing a rural school  
 69 district, a suburban school district, and an urban school  
 70 district, respectively;

71           7. A school district educational technology director;

72           8. Faculty in this state with expertise on artificial  
 73 intelligence, educational technology, or ethics from a public  
 74 college, a private college, and a community or technical  
 75 college, respectively;

76 9. Educators from one public school, one public charter  
 77 school, and one private school in this state; and

78 10. Leaders from three industry sectors in this state  
 79 which are directly affected by developments in artificial  
 80 intelligence.

81 (f) The task force shall meet at least four times per year  
 82 beginning in January 2025 and shall complete its work within 1  
 83 year. Upon completion, the task force shall submit  
 84 recommendations to the Governor, the President of the Senate,  
 85 and the Speaker of the House of Representatives. All meetings  
 86 must be open to the public.

87 (g) The task force shall do all of the following:

88 1. Evaluate the current state of artificial intelligence  
 89 technology and its potential applications in K-12 and higher  
 90 education.

91 2. Assess the ethical, legal, and data privacy  
 92 implications of artificial intelligence usage in education.

93 (2) The department shall adopt a strategic plan for a  
 94 statewide computer science education program which must be  
 95 published by February 28, 2026, and must include, at a minimum,  
 96 all of the following:

97 (a) A statement of purpose that describes the objectives  
 98 or goals the department will accomplish by implementing a  
 99 computer science education program, the strategies by which

100 those goals will be achieved, and a timeline for achieving those  
 101 goals.

102 (b) A summary of the current state landscape for K-12  
 103 computer science education, including diversity of students  
 104 taking these courses.

105 (c) A plan for expanding flexible options to license  
 106 computer science teachers, which may include approval codes,  
 107 technical permits, ancillary licenses, and standard licenses.

108 (d) A plan for expanding computer science education  
 109 opportunities to every school in this state by the timelines  
 110 established in paragraph (a).

111 (e) A plan for defining high-quality professional learning  
 112 for teachers to begin teaching computer science.

113 (f) An ongoing evaluation process that is overseen by the  
 114 department.

115 (g) Proposed rules that incorporate the principles of the  
 116 strategic plan into the state's public education system as a  
 117 whole.

118 (h) A recommended long-term plan for implementing a  
 119 requirement that every K-12 public school and public charter  
 120 school employ at least one certified or endorsed computer  
 121 science teacher or one career and technical education teacher  
 122 trained in computer science. The plan must allow for this  
 123 requirement to be satisfied through multiple department-approved  
 124 processes for certification and endorsement, including, but not

PCS for HB 483

2024

125 | limited to, endorsing a certified teacher endorsed in another  
126 | subject area.

127 |     (i) A plan to ensure long-term sustainability.

128 |     (3) The State Board of Education shall adopt rules to  
129 | administer this section.

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



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 857 Youth Conflict Resolution and Peer Mediation Pilot Program

**SPONSOR(S):** Choice & Innovation Subcommittee

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 786

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Collins	Sleap

### SUMMARY ANALYSIS

The Community Partnership Schools model, co-founded in 2010 at the University of Central Florida, includes four core community partners, a school district, a university or college, a nonprofit, and a healthcare provider. The model combines a rigorous academic program with a wide range of in-school services, supports and opportunities to promote children's learning and development. In 2019, the Legislature established the Community School Grant Program to fund and support the planning and implementation of community school programs in Florida, subject to legislative appropriation. Currently, there are 36 schools implementing a community partnership school model across 21 school districts in the state, serving 33,613 students.

Effective upon becoming law, the bill requires the Center for Community Schools (center) at UCF to administer the Youth Conflict Resolution and Peer Mediation Pilot Program, beginning no later than the 2025-2026 school year, for a period of three school years. The pilot program must implement a conflict resolution and peer mediation curriculum to reduce juvenile violence by equipping students with essential skills for peaceful conflict resolution.

The bill requires the center to seek input from the Department of Education (DOE) on the selection of curriculum to implement at each selected school and identify middle or high schools to participate in the program with priority given to schools with a high rate of juvenile violence and community partners who will assist with implementation. The center must monitor the implementation of the pilot program, collect relevant student discipline data and information relating to the rates of juvenile violence in selected schools; and create a pre-pilot program and post-pilot program survey to be completed by school personnel and parents at participating schools. The center must provide periodic updates to the DOE on the implementation of the program and upon completion of the pilot program, provide a report to the DOE.

A school selected to participate in the pilot program, is required to provide training on the curriculum and, where possible, include community partners who interact with the students in the training. The school must also provide students with skills to resolve conflicts both at and away from school without undermining the school's existing disciplinary framework. Participating schools must provide data and information requested by the center; and complete a pre- and post-pilot program survey created by the center.

The bill appears to have an indeterminate fiscal impact. See Fiscal Analysis.

The bill becomes effective upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Community Partnership Schools

Community schools combine a rigorous academic program with a wide range of in-school services, supports and opportunities to promote children's learning and development.<sup>1</sup> To achieve this, the Community Partnership Schools model includes four core community partners, a school district, a university or college, a nonprofit, and a healthcare provider. All community school models share the same focus, but they vary in their approach to organizing resources.<sup>2</sup>

In 2010, the University of Central Florida (UCF) co-founded a Community Partnership School model with the Children's Home Society of Florida and Orange County Public schools at Evans High School in Orlando.<sup>3</sup> UCF founded the Center for Community Schools in 2014 to help expand Community Partnerships Schools across the state and to advance community schools more broadly.<sup>4</sup> Currently, there are 36 schools implementing a community partnership school model across 21 school districts in the state, with 15 operating as UCF-Certified Community Partnership Schools.<sup>5</sup> In total, 33,613 students are served by community partnership schools.<sup>6</sup>

##### *Community School Grant Program*

In 2019, the Legislature established the Community School Grant Program (program) to fund and support the planning and implementation of community school programs, subject to legislative appropriation.<sup>7</sup>

Contingent upon available funds, the Center for Community Schools (center) at UCF may facilitate the implementation of its community school model in Florida through grants that enable community organizations to establish long-term partnerships and secure resources for planning, staffing, and providing services to students and families through the community school model.<sup>8</sup>

As part of administering the grant program, the center must:<sup>9</sup>

- Require a participating public school to establish long-term partnerships through a memorandum of understanding. After receiving a grant award, the center must condition the award of grant funds in the subsequent years upon the matching funds secured through the long-term partnerships.
- Prioritize grant awards based on demonstration of the technical and financial ability to sustain the community school model beyond an initial grant award. For planning grant awards, priority must be given to school districts in which the community school model has not been established and which demonstrate the technical and financial ability to sustain the community school model

---

<sup>1</sup> University of Central Florida, *About the Center*, <https://ccie.ucf.edu/communityschools/about/> (last visited Jan. 29, 2024).

<sup>2</sup> University of Central Florida, *Community Partnership Schools Models*, (2019), available at <https://ccie.ucf.edu/wp-content/uploads/sites/12/2019/09/CommunityPartnershipSchools-OnePager.pdf>.

<sup>3</sup> University of Central Florida, *The Backdrop: Challenges Facing Public Schools*, available at <https://ccie.ucf.edu/wp-content/uploads/sites/12/2019/10/TheBackdrop-ByDavidBundy.pdf>, The Central Florida Family Health Center joined as a healthcare community partner in 2012 for Evans High School.

<sup>4</sup> University of Central Florida, *About the Center*, <https://ccie.ucf.edu/communityschools/about/> (last visited Jan. 29, 2024).

<sup>5</sup> See Center for Community Schools, *2023-24 Community Partnership Schools*, <https://ccie.ucf.edu/communityschools/partnership-schools/initiatives/> (last visited Jan. 29, 2024) and Florida Community Partnership Schools, *2023-24 Fact Sheet*, available at

<sup>6</sup> *Id.* <https://ccie.ucf.edu/wp-content/uploads/sites/12/2022/11/CCS-Fact-Sheet.pdf>.

<sup>7</sup> Section 1003.64(1), F.S.

<sup>8</sup> Section 1003.64(3), F.S.

<sup>9</sup> *Id.*



or to school districts expanding a program based on the feeder pattern of an existing community school in the district.

The center is required to annually publish on its website information on each community organization receiving a grant, including:<sup>10</sup>

- The amount of grant funds provided through the center for each participating school and the amount of matching funds provided by the community organization for each year the community organization has received a grant for that school.
- The long-term partnerships that have entered into a memorandum of understanding for implementing the community school model.
- A description of the services and community engagement activities provided through the community school model.
- The number of students, families, and community members served through the community school model.
- The academic progress of students enrolled at the public school, including student progression data, attendance, behavior, student achievement and learning gains on statewide, standardized assessments.
- Academic progress data of schools identified by the center as comparison sites for evaluation purposes.

### **Effect of Proposed Changes**

Effective upon becoming law, the bill requires the Center for Community Schools (center) at UCF to administer the Youth Conflict Resolution and Peer Mediation Pilot Program, beginning no later than the 2025-2026 school year, for a period of three school years. The pilot program must implement a conflict resolution and peer mediation curriculum to reduce juvenile violence by equipping students with essential skills for peaceful conflict resolution.

The bill requires the center to:

- Seek input from the Department of Education (DOE) on the selection of curriculum to implement at each selected school and identify ways to integrate the curriculum during the school day to maximize exposure to and use of conflict resolution skills;
- Identify middle or high schools to participate in the program. Priority shall be given to schools with a high rate of juvenile violence and community partners who will assist with implementation;
- Require each participating school to meet specified participation requirements;
- Monitor the implementation of the pilot program and assist participating schools with integrating the curriculum and reinforcing the conflict resolution skills throughout the school day;
- Collect relevant student discipline data and information relating to the rates of juvenile violence in selected schools;
- Create a pre-pilot program and post-pilot program survey to be completed by school personnel and parents at participating schools; and
- Provide periodic updates to the DOE on the implementation of the program.

A school selected to participate in the pilot program, is required to:

- Provide training on the curriculum and, where possible, include community partners who interact with the students in the training;
- Provide students with skills to resolve conflicts both at and away from school without undermining the school's existing disciplinary framework;
- Provide data and information requested by the center; and
- Complete a pre-pilot program and post-pilot program survey created by the center.

---

<sup>10</sup> Section 1003.64(4), F.S.; see also UCF Center for Community Schools, *CPS Progress Data*, <https://ccie.ucf.edu/communityschools/partnership-schools/cps-progress-data/> (last visited Jan. 29, 2024).

Upon completion of the pilot program, the center is required to provide a report to the DOE, which must include, at a minimum, the following:

- The number of students enrolled at the participating schools;
- The rates of student discipline and juvenile violence before and after the pilot program; and
- Results of the administered surveys.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1003.64, F. S., creating the Youth Conflict Resolution and Peer Mediation Pilot Program within the Community School Grant Program for a specified period; providing the purpose of the pilot program; requiring the Center for Community Schools at the University of Central Florida to implement the pilot program and a specified curriculum; providing center responsibilities for the pilot program; requiring the center to work with the Department of Education to identify a curriculum for the pilot program; providing participating school responsibilities; requiring the center to provide a report to the department; providing requirements for the report; providing for the future expiration of the pilot program.

**Section 2:** This act shall take effect upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

Since the number of schools selected by the Center for Community Schools at UCF to implement the pilot is unknown, the fiscal is indeterminate.

## **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 the Youth Conflict Resolution and  
3        Peer Mediation Pilot Program; creating the Youth  
4        Conflict Resolution and Peer Mediation Pilot Program  
5        within the Community School Grant Program for a  
6        specified period; providing the purpose of the pilot  
7        program; requiring the Center for Community Schools at  
8        the University of Central Florida to implement the  
9        pilot program and a specified curriculum; providing  
10       center responsibilities for the pilot program;  
11       requiring the center to work with the Department of  
12       Education to identify a curriculum for the pilot  
13       program; providing participating school  
14       responsibilities; requiring the center to provide a  
15       report to the department; providing requirements for  
16       the report; providing for the future expiration of the  
17       pilot program; providing an effective date.

18  
19    Be It Enacted by the Legislature of the State of Florida:

20  
21        Section 1.   Subsection (5) is added to section 1003.64,  
22        Florida Statutes, to read:

23        1003.64   Community School Grant Program.—It is the intent  
24        of the Legislature to improve student success and well-being by  
25        engaging and supporting parents and community organizations in

26 | their efforts to positively impact student learning and  
 27 | development.

28 | (5) YOUTH CONFLICT RESOLUTION AND PEER MEDIATION PILOT  
 29 | PROGRAM.—No later than the 2025-2026 school year, the center  
 30 | shall administer the Youth Conflict Resolution and Peer  
 31 | Mediation Pilot Program for a period of 3 school years. The  
 32 | center shall implement a conflict resolution and peer mediation  
 33 | curriculum to reduce juvenile violence by equipping students  
 34 | with essential skills for peaceful conflict resolution. The  
 35 | center shall:

36 | (a) Seek input from the Department of Education on the  
 37 | selection of a conflict resolution and peer mediation curriculum  
 38 | to implement at each selected school and identify potential ways  
 39 | to integrate the curriculum during the school day to maximize  
 40 | exposure to and use of conflict resolution skills.

41 | (b) Identify middle or high schools to participate in the  
 42 | program. Priority shall be given to schools with a high rate of  
 43 | juvenile violence and community partners who will assist with  
 44 | implementation.

45 | (c) Require each participating school to:

46 | 1. Provide training on the curriculum and, where possible,  
 47 | include community partners who interact with the students at the  
 48 | school in such training.

49 | 2. Provide students with skills to resolve conflicts at  
 50 | school and away from school without undermining the school's

- 51 existing disciplinary framework.
- 52 3. Provide data and information requested by the center.
- 53 4. Complete a pre-pilot program and post-pilot program  
54 survey created by the center.
- 55 (d) Monitor the implementation of the pilot program and  
56 assist participating schools with integrating the curriculum and  
57 reinforcing the conflict resolution skills throughout the school  
58 day.
- 59 (e) Collect relevant student discipline data and  
60 information relating to the rates of juvenile violence in  
61 selected schools before and after implementation of the pilot  
62 program.
- 63 (f) Create a pre-pilot program and post-pilot program  
64 survey that must be completed by the school administrators,  
65 teachers, and parents at participating schools.
- 66 (g) Provide periodic updates to the department on the  
67 implementation of the pilot program.
- 68 (h) Upon completion of the pilot program, provide a report  
69 to the department. The report must include, at a minimum, the  
70 following:
- 71 1. The number of students enrolled at the participating  
72 schools.
- 73 2. The rates of student discipline and juvenile violence  
74 in selected schools before the pilot program.
- 75 3. The rates of student discipline and juvenile violence

76 | in selected schools after implementation of the pilot program.

77 | 4. The results from the pre-pilot program and post-pilot  
78 | program survey.

79 | 5. Recommendations for the inclusion of the curriculum at  
80 | middle and high schools across the state.

81 | (i) This subsection expires upon the submission of the  
82 | report required under paragraph (h).

83 | Section 2. This act shall take effect upon becoming a law.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 1655 Exceptional Students and Video Cameras in Public Schools

**SPONSOR(S):** Choice & Innovation Subcommittee

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1472

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Wolff	Sleap

### SUMMARY ANALYSIS

The bill requires each district school board to include the staffing and scheduling procedures for Exceptional Student Education (ESE) centers, special day schools, or separate classes in the ESE policies and procedures document submitted to the Department of Education. The ESE policies and procedures document must include the following: procedures to notify parents of teacher assignments within the first 10 school days of the school year or upon student's entry to the school; procedures to notify parents of any changes in teacher assignments prior to the change in teacher assignment if not due to a temporary or incidental teacher absence; and procedures to notify parents of any permanent changes in physical classroom assignment prior to the change in classroom assignment. The State Board of Education (SBE) is required to adopt rules to implement these requirements and the rule must provide, at a minimum, that for students in ESE centers, special day schools, or separate classes, a student's schedule may only be changed, and a student class may only be dissolved or combined with other such classes, in accordance with the conditions set forth in the rule.

The bill removes the pilot program designation from the Video Cameras in Public School Classrooms Pilot Program and expands its requirements to all school districts in the state. The bill requires the SBE to adopt rules to implement the program to provide for consistent implementation on a statewide basis.

The bill has an indeterminate, but significant, fiscal impact to school districts. See Fiscal Comments, *infra*.

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

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Exceptional Student Education Instruction**

##### Present Situation

##### *Background*

Exceptional Student Education (ESE) is specially designed instruction and related services that are provided to students with disabilities and students who are identified as gifted.<sup>1</sup> Student enrollment in ESE programs is one factor considered in determining the funding a school district receives.<sup>2</sup>

The federal Individuals with Disabilities Education Act (IDEA) requires school districts to make a free appropriate public education (FAPE) available to students with disabilities ages three through 21.<sup>3</sup> A school district, at its discretion, may provide services to eligible infants and toddlers with disabilities below three years of age.<sup>4</sup> A FAPE must include special education and related services<sup>5</sup> that are provided by the public school system at no cost to the parent, which meet the standards of the state and which are in conformity with the student's individual educational plan (IEP).<sup>6</sup>

The IDEA does not address gifted students; however, state law and State Board of Education (SBE) rule require school districts to provide a FAPE to gifted students as well.<sup>7</sup> State law specifies that districts must provide special instruction and services to gifted students, but does not mandate or describe the specific types of instruction and services required.<sup>8</sup>

##### *Instructional Services*

Special programs for exceptional students include instruction and related services to adapt curriculum, methodology, materials, equipment, or environment to meet individual learning needs.<sup>9</sup> Exceptional students must receive instruction in one or more of the following settings:<sup>10</sup>

- Regular class.
- Special class.
- Special day school.
- Residential school.
- Special class in a hospital or facility operated by a noneducational agency.
- Individual instruction in a hospital or home.

Additionally, districts may provide supplementary instructional personnel to public or nonpublic preschool or day care programs for the instruction of pre-kindergarten exceptional students.<sup>11</sup>

---

<sup>1</sup> Section 1003.57(1)(b), F.S.; r. 6A-6.03411(1)(m) and (n), F.A.C.

<sup>2</sup> See s. 1011.62(1)(c), F.S.

<sup>3</sup> 20 U.S.C. s. 1400(d)(1)(A); 34 C.F.R. s. 300.101; r. 6A-6.03028(1) and 6A-6.03411(1)(p), F.A.C.

<sup>4</sup> Rules 6A-6.0331 and 6A-6.03026, F.A.C.

<sup>5</sup> "Related services" means "transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes." "Related services" also include school health services and school nurse services, social work services in schools, and parent counseling and training. 34 C.F.R. s. 300.34 (a).

<sup>6</sup> 34 C.F.R. s. 300.17; r. 6A-6.03411(1)(p), F.A.C.

<sup>7</sup> See ss. 1003.01(3)(a) and 1011.62(1)(c)c.2., F.S.; r. 6A-6.0331(1) and 6A-6.03411(1)(m), F.A.C.

<sup>8</sup> See s. 1003.57(1), F.S.

<sup>9</sup> Rule 6A-6.0311, F.A.C.

<sup>10</sup> Rule 6A06.0311, F.A.C.

<sup>11</sup> 34 C.F.R. s. 300.115; r. 6A-6.0311(h), F.A.C.

Public and private instructional personnel<sup>12</sup> must collaborate to promote educational progress and assist exceptional students in acquiring essential skills, including, but not limited to, readiness for pursuit of higher education goals or employment. Where applicable, public and private instructional personnel must use collaborative programming and the coordination of services and plans between the two is encouraged to avoid duplication or conflicting services or plans.<sup>13</sup> Private instructional personnel hired by parents to collaborate with public instructional personnel must be permitted to observe the student in the educational setting, collaborate with instructional personnel in the educational setting, and provide services in the educational setting according to the following requirements:

- The student's public instructional personnel and principal consent to the time and place.
- The private instructional personnel satisfy specific background screening requirements.<sup>14</sup>

States are required to monitor school districts in order to measure their performance in providing a FAPE in the least restrictive environment (LRE).<sup>15</sup> To follow the LRE requirement, states must educate students with disabilities with their nondisabled peers to the maximum extent appropriate. Special classes, special schooling, or other removal of the student from the regular education environment should only occur if the nature and severity of his or her disability is such that an appropriate education in regular classes cannot be achieved satisfactorily.<sup>16</sup> The LRE must be considered during the development of the student's IEP.<sup>17</sup>

Each district school board is required to provide an appropriate program of special instruction, facilities, and services for ESE students as prescribed as acceptable under SBE rule. Each district must provide the necessary professional services for diagnosis and evaluation of ESE students. Additionally, at least once every three years, the district school board must submit to the Department of Education (DOE), its proposed procedures for the provision of special instruction and services for ESE students.<sup>18</sup>

Special education services for students with disabilities in grades K-12 include specially designed instruction and related services that are necessary to enable the student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology; job placement; orientation and mobility training; brailists; typists; readers for the blind; interpreters and auditory amplification; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials; assistive technology devices; and other specialized equipment.<sup>19</sup>

### Effect of Proposed Changes

The bill requires each district school board to include the staffing and scheduling procedures for ESE centers, special day schools, or separate classes in the ESE policies and procedures document submitted to the DOE. The ESE policies and procedures document must include the following:

- Procedures to notify parents of teacher assignments within the first 10 school days of the school year or upon student's entry to the school.
- Procedures to notify parents of any changes in teacher assignments prior to the change in teacher assignment if not due to a temporary or incidental teacher absence.
- Procedures to notify parents of any permanent changes in physical classroom assignment prior to the change in classroom assignment.
- Procedures to maintain records of the student to staff ratio data quarterly for ESE centers, special day schools, or separate classes including the funding levels generated for each

---

<sup>12</sup> Private instructional personnel are defined as: individuals certified as behavior analysts; licensed applied behavior analysts; registered behavior technicians; speech-language pathologists; occupational therapists; physical therapists; psychologists; or clinical social workers. *See* Section 1003.572(1), F.S.

<sup>13</sup> Section 1003.572(2), F.S.

<sup>14</sup> Section 1003.572(3), F.S.

<sup>15</sup> 34 C.F.R. s. 300.600 (e)(1).

<sup>16</sup> 34 C.F.R. s. 300.114(a)(2)(i)-(ii); s. 1003.57(1)(e); r. 6A-6.03028(3)(i), F.A.C.

<sup>17</sup> *L.G. et.al. v. School Bd. Of Palm Beach County, Fla.*, 512 F. Supp.2d 1240, 1247-1249 (S.D. Fla. 2007).

<sup>18</sup> Section 1003.57(1)(b)1., F.S.

<sup>19</sup> Section 1003.01(9)(b), F.S.; r. 6A-6.03411(1)(dd), F.A.C.

student's services in these settings. The records must be available to the DOE upon request or as part of monitoring processes.

The bill requires the SBE to adopt rules to implement these requirements. The rule must provide, at a minimum, that for students in ESE centers, special day schools, or separate classes, a student's schedule may only be changed, and a student class may only be dissolved or combined with other such classes, in accordance with the conditions set forth in the rule.

## Video Cameras in Public Schools

### Present Situation

Schools are increasingly using security cameras as a tool to monitor and improve student safety.<sup>20</sup> The DOE's *Florida Safe School Design Guidelines* recommends the use of video camera surveillance systems to monitor areas including entry points and the building's perimeter.<sup>21</sup> Florida school districts also use video camera monitoring systems in school buses.<sup>22</sup>

Texas was the first of three states to enact legislation allowing video camera recordings in special education classrooms.<sup>23</sup> Laws in Texas, Louisiana, and West Virginia mandate video cameras while Georgia's law is permissive.<sup>24</sup> In Texas, advocates and parents of students with disabilities are generally supportive of the law,<sup>25</sup> but school districts are challenged by the cost of cameras and how best to communicate with parents about the availability of video monitoring.<sup>26</sup> As of March 2020, Dallas Independent School District had equipped 56 of its 479 special education classrooms with video cameras and received 11 requests to review recordings.<sup>27</sup>

There does not appear to be a consensus on the use of video cameras in special education classrooms. Advocates of requiring video cameras in special education classrooms suggest this will protect students who cannot speak out about their experiences in the classroom, decreasing student abuse by teachers.<sup>28</sup> However, others raise concerns that installing video cameras in special education classrooms may drive the student abuse "underground."<sup>29</sup> Another analysis of the issue noted that while cameras may influence teacher and staff behavior they may also interfere with the schools duty to provide the least restrictive environment to students with disabilities as they undermine the principal that special education is a service, not a place.<sup>30</sup>

---

<sup>20</sup> U.S. Department of Education, *Balancing Student Privacy and School Safety, A Guide to the Family Educational Rights Privacy Act for Elementary and Secondary Schools* (October 2007), available at <https://www.srk12.org/wp-content/uploads/2018/08/ferpa-for-school-officials.pdf>.

<sup>21</sup> See Florida Department of Education, *Florida Safe School Design Guidelines: Strategies to Enhance Security and Reduce Vandalism* (2003), at 30, available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/2003SafeSchoolDesign.pdf>.

<sup>22</sup> Florida Department of Education, *Florida School Bus Specifications* (2020), at III-10, available at <http://www.fldoe.org/core/fileparse.php/7585/urlt/2020FLSchoolBusSpec.pdf>.

<sup>23</sup> National Conference of State Legislatures, Education Legislation Bill Tracking Database, <https://www.ncsl.org/research/education/education-bill-tracking-database.aspx> (follow "NCSL Education Legislation" hyperlink, then search topic "All Topics," search states "All States," search keyword "camera," search status "Enacted," and search year "All").

<sup>24</sup> *Id.*

<sup>25</sup> Steffi Lee, *Parents want clarity on law requiring cameras in special ed classrooms*, KXAN, Sept. 24, 2018, <https://www.kxan.com/news/parents-want-clarity-on-law-requiring-cameras-in-special-ed-classrooms/> (last visited Jan. 27, 2024).

<sup>26</sup> Eva-Marie Ayala, *Should every special-education classroom be recorded? Dallas ISD trustees are debating cameras*, The Dallas Morning News, Nov. 11, 2019, <https://www.dallasnews.com/news/education/2019/11/11/should-every-special-education-classroom-be-recorded-dallas-schools-trustees-are-debating-cameras/> (last visited Jan. 27, 2024).

<sup>27</sup> Eva-Marie Ayala, *Will Dallas be the first big-city district to require video cameras in all special education classrooms?*, The Dallas Morning News, March 4, 2020, <https://www.dallasnews.com/news/education/2020/03/04/dallas-will-put-cameras-in-all-special-education-classrooms-but-some-worry-about-privacy/> (last visited Jan. 27, 2024).

<sup>28</sup> Sara C. Heintzelman and Justin M. Bathon, *Caught on Camera: Special Education Classrooms and Video Surveillance*, 12 INT'L J. OF EDUC. POLICY AND LEADERSHIP (2017), available at <https://files.eric.ed.gov/fulltext/EJ1166871.pdf>.

<sup>29</sup> TASH, *Will Cameras in Classrooms Make Schools Safer?* (Jan. 2015), available at <https://tash.org/wp-content/uploads/2015/01/Cameras-in-School-Final.pdf>.

<sup>30</sup> Maureen Van Stone, et al., *Bringing Legislation on Cameras in Classrooms into Focus*, available at [https://cdn.ymaws.com/www.copaa.org/resource/dynamic/blogs/20210809\\_125939\\_11544.pdf](https://cdn.ymaws.com/www.copaa.org/resource/dynamic/blogs/20210809_125939_11544.pdf).

## Education Records

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official government business.<sup>31</sup> This right applies to the official business of any public body, officer, or employee of the state, including public school records.<sup>32</sup> However, Florida law incorporates the Family Educational Rights and Privacy Act<sup>33</sup> (FERPA) and expressly exempts education records of individual students from public records requirements.<sup>34</sup> Thus, education records may not be released without written parental consent.<sup>35</sup> In *WFTV, Inc. v. School Board of Seminole County*, the 5th District Court of Appeal applied this exemption to a school bus surveillance videotape, determining that the record was confidential and exempt from a public records request, even with personally identifying information redacted.<sup>36</sup>

## Video Cameras in Public School Classrooms Pilot Program

In 2021, the Legislature created the 3-year Video Cameras in Public School Classrooms Pilot Program in Broward County public schools beginning with the 2021-2022 school year.<sup>37</sup> The pilot program required the Broward County School District to provide a video camera to any public school with a self-contained classroom for the remainder of the school year upon the written request of a parent of a student in the classroom.<sup>38</sup>

Before the video camera is placed in the classroom, the school must provide written notification to:

- the parent of each student assigned to the self-contained classroom,
- each student who is assigned to the self-contained classroom,
- the school district, and
- each employee assigned to work with any of the students in the self-contained classroom.<sup>39</sup>

The video camera must be operational within 30 days of receipt of the parent's request and must be capable of recording, through both video and audio, all areas of the self-contained classroom and any room attached to that classroom.<sup>40</sup> The video camera may not record a restroom or an area where a student may change his or her clothes; however, entrances, exits, and hallways to those areas must be recorded.<sup>41</sup> The video camera may be shut off when students are not present in the classroom.<sup>42</sup>

The law limits the use of video recordings to ensuring the health, safety, and well-being of students receiving special education services.<sup>43</sup> A school may not allow regular, continuous, or continual monitoring of the video recording.<sup>44</sup> The school must retain the video footage for at least 3 months after the date the video was recorded or until the conclusion of any investigation or any legal proceedings that result from the recording, including exhaustion of all appeals.<sup>45</sup>

---

<sup>31</sup> Fla. Const. art. I, s. 24(a).

<sup>32</sup> *Id.*

<sup>33</sup> 20 U.S.C. s. 1232g(a)(4). Education records means those records, files, documents, and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.

<sup>34</sup> See Section 1002.221(1), F.S.

<sup>35</sup> Section 1002.221(2)(a), F.S.

<sup>36</sup> *WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So. 2d 48, 58 (Fla. 5th DCA 2004).

<sup>37</sup> Section 2, ch. 2021-140, L.O.F. codified at s. 1003.574, F.S.

<sup>38</sup> Section 1003.574(2)(a), F.S. The law defines "self-contained classroom" as a classroom at a public school in which a majority of the students in regular attendance are provided special education services and are assigned to one or more such classrooms for at least 50 percent of the instructional day. Section 1003.574(1)(c), F.S. The pilot program does not include self-contained classrooms in which the only students receiving special education services are those who have been deemed gifted. Section 1003.574(12)(d), F.S.

<sup>39</sup> Section 1003.574(5), F.S.

<sup>40</sup> Section 1003.574(2)(b) and (4)(a), F.S.

<sup>41</sup> Section 1003.574(4)(b), F.S.

<sup>42</sup> Section 1003.574(4)(c), F.S.

<sup>43</sup> Section 1003.574(7)(b), F.S.

<sup>44</sup> Section 1003.574(7)(a), F.S.

<sup>45</sup> Section 1003.574(6), F.S.

The school must conceal the identities of all students who are not involved with an incident that gives rise to a request for viewing.<sup>46</sup> The school must protect the confidentiality of all student records contained within the footage.<sup>47</sup> As an education record, the recording would not be subject to public records laws.<sup>48</sup>

Only the following individuals are authorized to view a video recording from a self-contained classroom to:

- a school or school district employee who is involved in the alleged incident;
- a parent of a student who is involved in an alleged incident;
- a school or school district employee as part of an investigation into an alleged incident;
- a law enforcement officer as part of an investigation into an alleged incident that has been reported to the law enforcement agency; and
- the Department of Children and Families (DCF) as part of a child abuse or neglect investigation.<sup>49</sup>

The school must make the recording available for viewing within 7 days after receiving a request and a person who requests to view a recording must do so within 30 days of receiving notice that his or her request for viewing has been granted.<sup>50</sup> Incidental viewing by a school employee or contractor does not constitute a violation the confidentiality requirements so long as such viewing occurred during:

- the installation, operation, or maintenance of video equipment; or
- the retention of video recordings.<sup>51</sup>

If any person viewing the recording suspects that child abuse has occurred, the bill requires any viewer to report the suspected child abuse to the DCF.<sup>52</sup>

Any individual may appeal to the SBE an action by a school or school district which the individual alleges violates this section, and the state board must grant a hearing within 45 days of receiving an appeal.<sup>53</sup> The video cameras in a self-contained classroom and recordings associated with them may not:

- limit the access of the parent of a student, under the FERPA<sup>54</sup> or any other law, to a video recording regarding his or her student;
- waive any immunity from liability of a school district or an employee of a school district; or
- create any liability for a cause of action against a school or school district or an employee of a school or school district carrying out the duties and responsibilities under the pilot program.<sup>55</sup>

Unless a parent withdraws his or request in writing, the video camera must be operational for the remainder of the current school year. If the student whose parent made the request is no longer in attendance at the school, the school may discontinue video camera monitoring but must notify parents of the other students in the classroom at least five days prior to discontinuing monitoring. At the end of the school year, the school must notify parents of students in the classroom that video camera monitoring will not continue during the next school year unless a parent requests monitoring in writing.<sup>56</sup>

---

<sup>46</sup> Section 1003.574(8)(b)1., F.S. The law defines “incident” to mean an event, circumstance, act, or omission that results in the abuse or neglect of a student by an employee of a public school, school district, or another student. Section 1003.574(1)(a), F.S.

<sup>47</sup> Section 1003.574(8)(b)2., F.S.

<sup>48</sup> Sections 1002.22 and 1002.221, F.S.

<sup>49</sup> Section 1003.574(9)(a), F.S.

<sup>50</sup> Section 1003.574(9)(a)-(b), F.S.

<sup>51</sup> Section 1003.574(11), F.S.

<sup>52</sup> Section 1003.574(9)(c), F.S.

<sup>53</sup> Section 1003.574(10), F.S.

<sup>54</sup> 20 U.S.C. s. 1232g.; *see also* ss. 1002.22 and 1002.221, F.S.

<sup>55</sup> Section 1003.574(12), F.S.

<sup>56</sup> Section 1003.574(3), F.S.

As of July 2023, Broward County Public Schools reported having installed 203 video cameras at a cost of \$666,208.<sup>57</sup> From November 2022 through April 2023 there were 11 requests to view footage which were in various stages of completion at the time of the report.<sup>58</sup> The Education Practices Commission used video footage from the pilot program in one investigation in 2022.<sup>59</sup> Broward County Public Schools noted concerns with unfunded workload on staff to view and redact footage, logistical barriers to access cameras, and privacy concerns of staff.<sup>60</sup>

### Effect of Proposed Changes

The bill removes the pilot program designation from the Video Cameras in Public School Classrooms Pilot Program and expands its requirements to all school districts in the state. The bill requires the SBE to adopt rules to implement the program to provide for consistent implementation on a statewide basis.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 1003.57, F.S.; requiring district school boards to include specified procedures in the exceptional student education policies and procedures; providing that changes to the schedules and assigned classrooms of specified exceptional students may only be made in accordance with specified State Board of Education rules; requiring the state board to adopt rules to administer specified provisions.

**Section 2:** Amends s. 1003.574, F.S.; deleting references to the Video Cameras in Public School Classrooms Pilot Program; deleting an obsolete definition of the term "school district"; requiring, rather than authorizing, the state board to adopt rules for specified provisions.

**Section 3:** 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:

See Fiscal Comments.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

---

<sup>57</sup> Email, Florida Department of Education, (Jan. 26, 2024), with attachment, on file with the Choice & Innovation Subcommittee. The school district estimates that by the end of the pilot program it will have installed 300 cameras at a cost of \$723,700. *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

**D. FISCAL COMMENTS:**

The bill has an indeterminate but significant fiscal impact to school districts. The requirements for a school district to install and maintain video cameras upon parental request, maintain recordings for specified periods, and review and redact video in response to requests to view footage represent a significant, but indeterminate, cost to districts based on the number of requests for video cameras a given school district receives.

The bill would have an indeterminate positive fiscal impact on the private sector as school districts purchase the required video equipment.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the SBE to adopt rules to implement the provisions of the bill.

**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 exceptional students and video  
 3    cameras in public schools; amending s. 1003.57, F.S.;  
 4    requiring district school boards to include specified  
 5    procedures in the exceptional student education  
 6    policies and procedures; providing that changes to the  
 7    schedules and assigned classrooms of specified  
 8    exceptional students may only be made in accordance  
 9    with specified State Board of Education rules;  
 10    requiring the state board to adopt rules to administer  
 11    specified provisions; amending s. 1003.574, F.S.;  
 12    deleting references to the Video Cameras in Public  
 13    School Classrooms Pilot Program; deleting an obsolete  
 14    definition of the term "school district"; requiring,  
 15    rather than authorizing, the state board to adopt  
 16    rules for specified provisions; providing an effective  
 17    date.  
 18

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

20  
 21    Section 1. Paragraph (b) of subsection (1) of section  
 22    1003.57, Florida Statutes, is amended to read:  
 23    1003.57 Exceptional students instruction.—  
 24    (1)  
 25    (b) Each district school board shall provide for an

26 | appropriate program of special instruction, facilities, and  
 27 | services for exceptional students as prescribed by the State  
 28 | Board of Education as acceptable. Each district program must:

29 |     1.a. Provide the necessary professional services for  
 30 | diagnosis and evaluation of exceptional students. At least once  
 31 | every 3 years, the district school board must submit to the  
 32 | department its proposed procedures for the provision of special  
 33 | instruction and services for exceptional students. Each district  
 34 | school board shall include the staffing and scheduling  
 35 | procedures for exceptional student education centers, special  
 36 | day schools, or separate classes in the exceptional student  
 37 | education policies and procedures. The exceptional student  
 38 | education policies and procedures must include the following:

39 |         (I) Procedures to notify parents of teacher assignments  
 40 | within the first 10 school days of the school year or upon  
 41 | student's entry to the school.

42 |         (II) Procedures to notify parents of any changes in  
 43 | teacher assignments before the change in a teacher assignment  
 44 | occurs if such change is not due to a temporary or incidental  
 45 | teacher absence.

46 |         (III) Procedures to notify parents of any permanent  
 47 | changes in physical classroom assignments before the change in a  
 48 | classroom assignment occurs.

49 |         (IV) Procedures to quarterly maintain records of the  
 50 | student to staff ratio data for exceptional student education

51 centers, special day schools, or separate classes, including the  
52 funding levels generated for each student's services in these  
53 settings. The records shall be available to the department upon  
54 request or as part of monitoring processes.

55 b. For students in exceptional student education centers,  
56 special day schools, or separate classes, a student's schedule  
57 may only be changed and a student's class may only be dissolved  
58 or combined with other such classes in accordance with the  
59 conditions set forth in State Board of Education rule.

60 c. The State Board shall adopt rules to implement this  
61 subparagraph.

62 2. Provide the special instruction, classes, and services,  
63 either within the district school system, in cooperation with  
64 other district school systems, or through contractual  
65 arrangements with approved private schools or community  
66 facilities that meet standards established by the commissioner.

67 3. Annually provide information describing the Florida  
68 School for the Deaf and the Blind and all other programs and  
69 methods of instruction available to the parent of a sensory-  
70 impaired student.

71 4. Provide instruction to homebound or hospitalized  
72 students in accordance with this section and rules adopted by  
73 the state board, which must establish, at a minimum, the  
74 following:

75 a. Criteria for the eligibility of K-12 homebound or

76 hospitalized students for specially designed instruction.

77 b. Procedures for determining student eligibility.

78 c. A list of appropriate methods for providing instruction  
79 to homebound or hospitalized students.

80 d. Requirements for providing instructional services for a  
81 homebound or hospitalized student once the student is determined  
82 to be eligible. Eligible students receiving treatment in a  
83 children's specialty hospital licensed under part I of chapter  
84 395 must be provided educational instruction from the school  
85 district in which the hospital is located until the school  
86 district in which the hospital is located enters into an  
87 agreement with the school district in which the student resides.  
88 The department shall develop a standard agreement for use by  
89 school districts to provide seamless educational instruction to  
90 students who transition between school districts while receiving  
91 treatment in the children's specialty hospital.

92  
93 No later than August 15, 2016, each school district in which a  
94 children's specialty hospital licensed under part I of chapter  
95 395 is located shall enter into an agreement with the hospital  
96 which establishes a process by which the hospital must notify  
97 the school district of students who may be eligible for  
98 instruction consistent with this subparagraph and the timelines  
99 for determining student eligibility and providing educational  
100 instruction to eligible students.

101 Section 2. Section 1003.574, Florida Statutes, is amended  
 102 to read:

103 1003.574 Video cameras in public school classrooms; ~~pilot~~  
 104 ~~program. Beginning with the 2021-2022 school year, the Video~~  
 105 ~~Cameras in Public School Classrooms Pilot Program is created for~~  
 106 ~~a period of 3 school years.~~

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

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

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

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

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

120 (2)(a) A school district shall provide a video camera to  
 121 any school with a self-contained classroom upon the written  
 122 request of a parent of a student in the classroom.

123 (b) Within 30 days after receipt of the request from a  
 124 parent, a video camera shall be operational in each self-  
 125 contained classroom in which the parent's student is in regular

126 attendance for the remainder of the school year, unless the  
127 parent withdraws his or her request in writing.

128 (3) If the student who is the subject of the initial  
129 request is no longer in attendance in the classroom and a school  
130 discontinues operation of a video camera during a school year,  
131 no later than the 5th school day before the date the operation  
132 of the video camera is discontinued, the school must notify the  
133 parents of each student in regular attendance in the classroom  
134 that operation of the video camera will cease unless the  
135 continued use of the camera is requested by a parent. No later  
136 than the 10th school day before the end of each school year, the  
137 school must notify the parents of each student in regular  
138 attendance in the classroom that operation of the video camera  
139 will not continue during the following school year unless a  
140 written request is submitted by a parent for the next school  
141 year.

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

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

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

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

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

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

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

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

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

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

173 (c) The school district.

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

176 (6) A school shall:

177 (a) Retain video recorded from a video camera placed  
 178 pursuant to this section for at least 3 months after the date  
 179 the video was recorded, after which the recording shall be  
 180 deleted or otherwise made unretrievable; or

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

185 (7) A school or school district may not:

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

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

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

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

197 (b) A school or school district shall:

198 1. Conceal the identity of any student who appears in a  
 199 video recording, but is not involved in the alleged incident  
 200 documented by the video recording, which the school allows to be



201 | viewed under subsection (9), including, without limitation,  
 202 | blurring the face of the uninvolved student.

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

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

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

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

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

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

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

225 |         (b) A person who requests to view a recording shall make

226 | himself or herself available for viewing the recording within 30  
 227 | days after being notified by the school or school district that  
 228 | the person's request has been granted.

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

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

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

237 |       (11) A school or school district does not violate  
 238 | subsection (8) if a contractor or other employee of the school  
 239 | or school district incidentally views a video recording made  
 240 | under this section in connection with the performance of his or  
 241 | her duties related to either of the following:

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

244 |       (b) The retention of video recordings.

245 |       (12) This section does not:

246 |       (a) Limit the access of the parent of a student, under the  
 247 | Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.  
 248 | 1232g, or any other law, to a video recording regarding his or  
 249 | her student.

250 |       (b) Waive any immunity from liability of a school district

251 or an employee of a school district.

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

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

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

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

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