

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKA 24-01 Education
SPONSOR(S): PreK-12 Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee	12 Y, 0 N	Bailey	Potvin

SUMMARY ANALYSIS

The bill conforms law to the General Appropriations Act proposed by the House of Representatives for Fiscal Year 2024-2025 for prekindergarten through grade 12 education. Specifically, the bill:

- Establishes a transportation stipend that a public school student enrolled in kindergarten through grade 8 may receive from an eligible nonprofit scholarship-funding organization (SFO) for transportation to a Florida nonvirtual public school that is different from the school the student is assigned to or to a developmental research (lab) school.
 - Deletes transportation as an eligible use of the Family Empowerment Scholarship for Educational Options (FES EO) and the Florida Tax Credit (FTC) scholarships and deletes the funding amount of the transportation scholarship.
 - Repeals the Driving Choice Grant Program.
- Codifies:
 - the transfer of the students enrolled at the Florida Atlantic University Charter Lab K-12 School in St. Lucie County to the St. Lucie School District; and
 - the establishment of the Florida State University Charter Lab K-12 School in Leon County.
- Requires that students enrolled at a charter school sponsored by a Florida College System (FCS) institution or state university are funded in the Florida Education Finance Program (FEFP) and establishes the FEFP calculation methodology for such charter school students.
- Establishes the funding source and calculation methodology for capital outlay funds for a charter school sponsored by a FCS institution or state university.
- Establishes the Voluntary Prekindergarten (VPK) summer bridge program.
- Clarifies that the education foundation of the Florida Virtual School (FLVS) is eligible to participate in the matching grant program funded by the Florida Academic Improvement Trust Fund.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Developmental Research (Lab) Schools

Present Situation

There is a category of public schools established as developmental research (lab) schools.¹ A non-charter lab school must be affiliated with the college of education within the state university of closest geographic proximity. A charter lab school must be affiliated with the college of education within the state university that issued the charter but is not subject to the requirement that the state university be of closest geographic proximity. For purposes of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University (FAU), Florida State University (FSU), the University of Florida, and other universities approved by the State Board of Education (SBE) and the Legislature are authorized to sponsor a lab school.²

The limitation of one lab school per university does not apply to the following legislatively allowed charter lab schools:

- FSU Charter Lab K-12 School in Broward County
- FAU Charter Lab K-12 School in Palm Beach County
- FAU Charter Lab K-12 School in St. Lucie County³

For purposes of adopting the Fiscal Year 2024-2025 Public Schools PreK-12 Enrollments forecast, the Department of Education (DOE) provided information to the principals of the Education Estimating Conference that verified that beginning in Fiscal Year 2024-2025, the FAU Charter Lab K-12 in St. Lucie County would no longer be a charter lab school and the school's current year full-time equivalent (FTE) students would be transferred to St. Lucie School District. The Public Schools PreK-12 Enrollments forecast adopted at the January 10, 2024, Education Estimating Conference includes this transfer.⁴

Effects of Proposed Changes

The bill deletes the FAU Charter Lab K-12 School in St. Lucie County as an authorized charter lab school and the student currently attending this school will be transferred to the St. Lucie School District.

Charter Schools

Present Situation

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations created for traditional public schools.⁵ During the 2022-2023 school year, over 382,367 students were enrolled in 726 charter schools in 46 Florida school districts.⁶

Prior to 2021, a district school board was authorized to sponsor a charter school in the county over which the board had jurisdiction. In addition, a state university was authorized to sponsor a charter lab school.⁷ A Florida College System (FCS) institution was authorized to work with school districts in the

¹ Section 1002.32(2), F.S.

² *Id.*

³ *Id.*

⁴ See, [Education Estimating Conference Public Schools PreK-12 Enrollment \(state.fl.us\)](https://www.fl.gov/education/education-estimating-conference-public-schools-prek-12-enrollment). (Last visited January 18, 2024).

⁵ Florida Department of Education, Fact Sheet Office of School Choice, *Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf>. (Last visited January 17, 2024).

⁶ *Id.*

⁷ Section 1002.33(5)(a)1. and 2., F.S.

FCS institution's designated service area to develop a charter school that offered secondary education, including an option for students to receive an associate degree upon high school graduation. If a FCS institution offered a teacher preparation program, it was authorized to operate one charter school for students in kindergarten through grade 12 and had to implement innovative blended learning instructional models for students in kindergarten through grade 8.⁸

In 2021, to address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, the Legislature passed legislation⁹ that modified the law to:

- Authorize the FCS institutions and state universities to solicit applications and sponsor charter schools upon approval by the State Board of Education (SBE). Additionally:
 - A state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands.
 - A FCS-sponsored charter school may exist in any county within its service area¹⁰ to meet workforce demands. A FCS-sponsored charter school may offer postsecondary programs leading to industry certifications for eligible charter school students.
- Remove the requirements that a FCS institution that operates an approved teacher preparation program:
 - May operate only one charter school; and
 - Must implement an innovative blended learning instructional model for students in kindergarten through grade 8 at a charter school it operates.
- Prohibit a FCS institution from reporting the FTE for any students participating in FCS-sponsored charter schools who receive FTE funding through the Florida Education Finance Program (FEFP).
- Clarify that a student enrolled in a charter school sponsored by a FCS institution or state university may not be included in the calculation of the school district's grade.

Additionally, the legislation established a methodology for determining the amount of funding students enrolled in a charter school sponsored by a FCS institution or state university would receive which is the sum of the total operating funds from the FEFP for the school district in which the school is located and the General Appropriations Act (GAA), including gross state and local funds; discretionary lottery funds; and funds from each school district's current operating discretionary millage, divided by the total funded weighted FTE, and multiplied by the FTE membership of the charter school.¹¹

The DOE is required to develop a tool that each FCS institution and state university sponsoring a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the GAA to the charter school.¹²

Capital outlay funding for a charter school sponsored by a FCS institution or state university is provided the same as a charter school sponsored by a district school board and consists of state funds when such funds are appropriated in the GAA and revenue resulting from the discretionary millage authorized in statute.¹³

Tallahassee Collegiate Academy

⁸ Section 1002.33(5)(b)4., F.S.

⁹ Chapter 2021-35, Laws of Fla.

¹⁰ FCS institution service areas are defined in s. 1000.21(3), F.S.

¹¹ Section 1002.33(17)(b)2.a., F.S.

¹² Id.

¹³ Section 1002.33(17)(b)2.b., F.S.

In January 2023, the SBE approved Tallahassee Community College's application to sponsor a charter school.¹⁴ On August 10, 2023, the Tallahassee Collegiate Academy (TCA) opened its doors to welcome the school's first students.¹⁵

The TCA is a STEM charter public high school and allows students to earn an associate in science degree while in high school. The enrollment for the 2023-2024 school year is 142 students as follows¹⁶:

Grade Level	Number	Percentage
9 th	82	57%
10 th	49	35%
11 th	11	8%

For Fiscal Year 2023-2024, \$1.6 million in recurring funds from the General Revenue Fund is appropriated to the TCA; this funding is not included in the FEFP.¹⁷

Effect of Proposed Changes

The bill establishes that funding for a charter school sponsored by a FCS institution or state university is included in the FEFP; this aligns with how charter schools sponsored by district school boards and charter lab schools that are funded.

The bill establishes the methodology for calculating the amount of FEFP funds that a student enrolled at a charter school sponsored by a FCS institution or state university will receive. This methodology includes the sum of the basic amount for current operations established in s. 1011.62(1)(s), F.S., the discretionary millage compression supplement established in s. 1011.62(5), F.S., and the state-funded discretionary contribution established in s. 1011.62(6), F.S. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total FEFP.

Additionally, the bill provides that:

- The nonvoted required local millage established pursuant to s. 1011.71(1), F.S., that would otherwise be required for the charter schools, will be allocated from state funds.
- An equivalent amount of funds for the operating discretionary millage authorized in s. 1011.71(1), F.S., will be allocated to each charter school through a state-funded discretionary contribution established pursuant to s. 1011.62(6), F.S.
- The comparable wage factor as provided in s. 1011.62(2), F.S., is established as 1.000.

The bill also specifies that capital outlay funding for a charter school sponsored by a FCS institution or state university is determined as follows: multiply the maximum allowable nonvoted discretionary millage under s. 1011.71(2), F.S., by 96 percent of the current year's taxable value for school purposes for the district in which the charter school is located; divide the result by the total FTE student membership; and multiply the result by the FTE student membership of the charter school. The amount obtained is the discretionary capital improvement funds; these funds are from state funds provided in the GAA.

School Choice Scholarships for Transportation

Present Situation

¹⁴ State Board of Education, January 18, 2023, meeting.

¹⁵ See, [Home - Tallahassee Collegiate Academy \(fl.edu\)](https://www.fl.edu). (Last visited January 17, 2024.)

¹⁶ See, *Charter Schools Program*, Presentation by Tallahassee Community College at the December 6, 2023, PreK-12 Appropriations Subcommittee meeting.

¹⁷ Specific appropriation 97A of ch. 2023-239, Laws of Fla.

With the establishment of the Florida Tax Credit (FTC) scholarship program in 2001 and the Family Empowerment Scholarship Program for Educational Options (FES EO) in 2019, Florida has two scholarship programs that allow parents to apply for and receive a scholarship for their students to attend an eligible private school.

In 2021, the Legislature expanded the eligible uses of the FTC and FES-EO scholarship funds to include transportation to a Florida public school if the student elected to attend a Florida public school that is different from the public school the student is assigned to or to a lab school as defined in s. 1002.32, F.S. The amount of the transportation scholarship was \$750, if the school district does not provide the student with transportation to the public school.¹⁸

The Student Transportation Allocation in the FEFP is the funding source for the transportation scholarship. The Student Transportation Allocation is a categorical in the FEFP and provides funds to assist school districts with their costs associated with providing transportation to public school programs, including charter schools, for kindergarten through grade 12 student and migrant and exceptional student programs below kindergarten.¹⁹

For Fiscal Year 2021-2022, no transportation scholarships were funded.²⁰

In 2022, the Legislature adjusted the amount of the transportation scholarship as follows: a scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the DOE, whichever is greater.²¹

For Fiscal Year 2022-2023, a total of 696 transportation scholarships were funded for a total of \$415,875. All transportation scholarships were funded as either a full scholarship at \$750 or a half scholarship at \$375.²²

For Fiscal Year 2023-2024, based on the 3rd calculation of the FEFP, a total of 4,504 transportation scholarships have been funded for a total of \$5.9 million.²³ The amounts of the transportation scholarships range from \$750 to \$2,232.²⁴ As a result of the removal of the income eligibility requirement for the FES-EO scholarship beginning in Fiscal Year 2023-2024, the number of funded transportation scholarships increased by 547% compared to Fiscal Year 2022-2023.

Effect of Proposed Changes

The bill establishes a transportation stipend, contingent upon a legislative appropriation and on a first-come, first-served basis, for kindergarten through grade 8 public school students who enroll in a Florida nonvirtual public school which is not the public school the student is assigned to or to a lab school. The amount of the stipend is established in the GAA and an eligible nonprofit scholarship-funding organization (SFO) is the administrator of the stipend program.

With the establishment of the transportation stipend program, the bill also eliminates transportation as an eligible use of the FTC and FES-EO scholarships.

Driving Choice Grant Program

The Driving Choice Grant Program was established in 2022²⁵ within the DOE to improve access to reliable and safe transportation for students who participate in public educational school choices and to

¹⁸ Chapter 2021-27, Laws of Fla.

¹⁹ Section 1011.68, F.S.

²⁰ See [Florida Education Finance Program \(FEFP\) Calculations \(fldoe.org\)](https://fldoe.org/FEFP-Calculations). (Last visited January 18, 2024).

²¹ Chapter 2022-154, Laws of Fla.

²² See [Florida Education Finance Program \(FEFP\) Calculations \(fldoe.org\)](https://fldoe.org/FEFP-Calculations). (Last visited January 18, 2024).

²³ See 2023-224 FEFP Third Calc on file with the PreK-12 Appropriations Subcommittee.

²⁴ See [Transportation-Scholarship-Award-Amounts-2023-24-V1.pdf \(stepupforstudents.org\)](https://stepupforstudents.org/Transportation-Scholarship-Award-Amounts-2023-24-V1.pdf) (Last visited January 18, 2024)

²⁵ Chapter 2022- Laws of Fla.

support innovative solutions that increase the efficiency of public school transportation. Grant proposals may include:

- Transportation resource planning and sharing among school districts and local governments.
- Developing or contracting with rideshare programs or developing carpool strategies.
- Developing options to reduce costs and increase efficiencies while improving access to transportation options for families.
- Developing options to address personnel challenges.
- Expanding the use of transportation funds under the FTC and FES-EO scholarship programs and the Student Transportation Allocation in the FEFP to help cover the cost of transporting students to and from school.²⁶

The DOE is required to publish on its website, by December 31, 2023, an interim report and by December 31, 2024, a final report that includes:

- Best practices used by grant recipients to increase transportation options for students, including any transportation barriers addressed by grant recipients.
- The number of students served by grant recipients including the number of students transported to a school that is different from the school to which the student is assigned.

The DOE provided the following data on December 21, 2023:²⁷

District Usage by Category	Number of Districts	Number of Students Served
Driver Incentive Programs	14	15,619
Contracted Transportation	6	1,790
Van (multi-purpose van) Purchase	16	1,111
School Bus Purchase(s)	6	898
Ridership Tracking or Routing Software	3	89,834
TOTAL	45*	249,252

*It is unclear if this is an unduplicated number.

For Fiscal Year 2022-23, \$15 million in nonrecurring funds from the General Revenue Fund was appropriated to the DOE for the Driving Choice Grant Program.²⁸ Section 23 of the Fiscal Year 2023-2024 GAA reverted the unexpended balance of funds (\$9,655,319) for the Driving Choice Grant Program and appropriated these funds for Fiscal Year 2023-2024 to the DOE for the same purpose.²⁹

Effect of Proposed Changes

The bill repeals the Driving Choice Grant Program.

Coordinated Screening and Progress Monitoring System

Present Situation

In 2021, the Legislature³⁰ required the DOE to design a coordinated screening and progress monitoring system (system) to assess emergent literacy and mathematics skills for Voluntary Prekindergarten

²⁶ Section 1006.27(3)(a), F.S.

²⁷ See email from the Department of Education on December 21, 2023, on file in the PreK-12 Appropriations Subcommittee.

²⁸ Specific Appropriation 101 of ch. 2022-156, Laws of Fla.

²⁹ Section 34, ch. 2023-239, Laws of Fla.

³⁰ Chapter 2021-10, Laws of Fla.

(VPK) through grade 3 students based on identified standards. The results of implementing the system are required to be reported to the DOE and maintained in the education data warehouse.³¹

The DOE procured the system that measures student progress in the VPK program and public schools to identify the educational strengths and needs of students.³² The system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English language arts and mathematics standards.

To facilitate timely interventions and supports, the system must provide results from the first two administrations of the system to a student's teacher within 1 week and to the student's parent within 2 weeks of the administration of the progress monitoring.³³

Effects of Proposed Changes

The bill provides for early learning literacy skill instructional support through a summer bridge program to VPK students who exhibit a substantial deficiency and scored below the 10th percentile on the final administration of the system.

Educational Enrichment Allocation - FEFP

Present Situation

The Educational Enrichment Allocation is a categorical funded in the FEFP.³⁴ This categorical was established to assist school districts in providing educational enrichment activities and services that support and increase the academic achievement of students in grades kindergarten through 12.³⁵ Educational enrichment activities and services may be provided in a manner, and at any time during or beyond the regular 180-day term, identified by the school district as being the most effective and efficient way to best help the student progress from grade to grade and graduate from high school.³⁶

For Fiscal Year 2023-2024, the Educational Enrichment Allocation consists of a base amount as specified in the GAA. Beginning in Fiscal Year 2024-2025, the allocation must consist of the base amount that includes a workload adjustment based on changes in the unweighted FTE membership.³⁷

Effects of Proposed Changes

The bill clarifies that unless the school district's total FEFP funds per unweighted FTE student is greater than the statewide FEFP funds per student, the base amount of each school district's Educational Enrichment Allocation is the greater of either the school district's allocation base per eligible FTE student or the allocation factor specified in the GAA.

Voluntary Prekindergarten Assessments

Present Situation

The 2023 Implementing Bill³⁸ amends s. 1002.68(4), (5), and (6), F.S., to extend the timelines for the development and implementation of the methodology relating to performance metrics for the VPK providers and removes the provision that disqualifies VPK providers based on a failure to meet

³¹ *Id.*

³² Section 1008.25(9)(a)1., F.S.

³³ Section 1008.25(9)(c), F.S.

³⁴ Section 1011.62(7)(a), F.S.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 4 of ch. 2023-240, Laws of Fla.

minimum program assessment composite scores. As these changes were made in the 2023 Implementing Bill, they expire on July 1, 2024.

Effects of Proposed Changes

The bill codifies in permanent law the changes made in section 4 of chapter 2023-240, Laws of Florida.

Florida Academic Improvement Trust Fund Matching Grants

Present Situation

The Florida Academic Improvement Trust Fund is utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund and to any public school district education foundation that is recognized by the school district as its designated K-12 education foundation.³⁹ For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation must be reserved for each public school district education foundation and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation with an opportunity to receive and match the appropriated funds.⁴⁰ Matching grants are proportionately allocated from the trust fund on the basis of matching each \$4 of state funds with \$6 of private funds.⁴¹

In the Fiscal Year 2023-2024, \$6 million in recurring funds from the General Revenue Fund is appropriated for the Florida Academic Improvement Trust Fund matching grant program.⁴²

The Florida Virtual School (FLVS) is a component of the delivery of public education within Florida's Early Learning-20 Education System⁴³. The FLVS is a public school, is authorized to serve any student in the state who meets the profile for success in this educational delivery context,⁴⁴ and is funded in the FEFP.⁴⁵ Additionally the FLVS has an established education foundation.⁴⁶

Effects of Proposed Changes

The bill clarifies that for purposes of the matching grants funded by the Florida Academic Improvement Trust Fund, an education foundation includes the education foundation established by the FLVS.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.31, F.S., establishing the transportation stipend for kindergarten to grade 8 students who enroll in a Florida nonvirtual public school that is different from the public school the student is assigned to or to a lab school under s. 1002.32, F.S.; establishing requirements for receiving a stipend; and requiring an eligible nonprofit SFO to administer the stipend program.

Section 2: Amends s. 1002.32, F.S., deleting the FAU Charter K-12 Lab school as a legislatively authorized charter lab school in the state.

Section 3: Amends s. 1002.33, F.S., clarifying that charter schools sponsored by a FCS institution or state university are funded in the FEFP; describing the calculation methodology for determining the amount of FEFP funding for each charter school student; and clarifying the methodology for calculating the capital outlay funds for charter schools sponsored by a FCS institution or state university.

³⁹ Section 1011.765(1), F.S.

⁴⁰ Section 1011.765(1)(a), F.S.

⁴¹ Section 1011.765(1)(b), F.S.

⁴² Specific Appropriation 89 of chapter 2023-239, Laws of Fla.

⁴³ Section 1000.04(4), F.S.

⁴⁴ Section 1002.37(1)(b), F.S.

⁴⁵ Section 1002.37(3), F.S.

⁴⁶ See, [Home :: FLVS Foundation](#). (Last visited January 19, 2024).

- Section 4:** Amends s. 1002.394, F.S., deleting transportation as an eligible use of the FES-EO scholarship and deleting the funding amount for the transportation scholarship.
- Section 5:** Amends s. 1002.395, F.S., deleting transportation as an eligible use of the FTC scholarship and deleting the funding amount for the transportation scholarship.
- Section 6:** Amends s. 1002.68, F.S., codifying in permanent law section 4 of chapter 2023-240, Laws of Florida.
- Section 7:** Amends s. 1006.27, F.S., deleting the Driving Choice Grant Program.
- Section 8:** Amends s. 1008.25, F.S., establishing the VPK summer bridge program and specifying the minimum number of total hours of instruction for the program.
- Section 9:** Amends s. 1011.62, F.S., clarifying the base amount of the Educational Enrichment allocation and conforming provision to changes made by the bill.
- Section 10:** Amends s. 1011.765, F.S., clarifying the education foundations eligible to participate in the matching grant program funds by the Florida Academic Improvement Trust Fund.
- Section 11:** Amends s. 1013.62, F.S., conforming provision to changes made by the bill.
- Section 12:** Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill conforms statutes to the budget proposed by the House of Representatives for Fiscal Year 2024-2025, which includes:

- \$1.6 million for the Tallahassee Collegiate Academy transferred to the FEFP.
- \$13.2 million for the transportation stipend.
- \$6.9 million for the VPK summer bridge program.
- \$1.0 million for the Florida Academic Improvement Trust Fund matching grant program.
- Transfers 1,497.99 FTE from FAU Charter K-12 Lab School to St. Lucie School District; no FEFP funds are appropriated to the charter lab school; however, St. Lucie School District's FEFP funds reflect the addition of the 1,497.99 FTE.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES