

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EQS 24-01 Education
SPONSOR(S): Education Quality Subcommittee
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 7004

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Quality Subcommittee	17 Y, 1 N	Blalock	Sanchez

SUMMARY ANALYSIS

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

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

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

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

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

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

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

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

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

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

Instructional Materials

Present Situation

Instructional Materials Purchase and Reporting

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

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

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

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

² Section 1006.28(2), F.S.

³ Section 1006.28(1)(a)1., F.S.

⁴ Section 1006.40(2), F.S.

⁵ Section 1006.40(2)-(3)(a), F.S.

⁶ Section 1006.283(1), F.S.

⁷ Section 1006.28(2), F.S.

⁸ Section 1006.283(1), F.S.

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

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

Objection to Materials

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

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

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

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

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

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

⁹ Section 1006.28(3)(b), F.S.

¹⁰ Section 1006.28(4), F.S.

¹¹ Section 1006.28(4)(b), F.S.

¹² Section 1006.28(2)(a)3., F.S.

¹³ *Id.*

¹⁴ Section 1006.28(2)(a)2., F.S.

¹⁵ *Id.*

¹⁶ Section 1006.28(2)(e)3., F.S.

¹⁷ *Id.*

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

Effect of Proposed Changes

Instructional Materials Purchase and Reporting

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

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

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

Objection to Materials

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

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

PreK-12 Assessment, School Improvement, and Accountability

Present Situation

Pre-K-12 Assessments

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

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

Student Assessment for Department of Juvenile Justice Programs

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

¹⁹ Section 1008.22(3), F.S.

²⁰ *Id.*

²¹ Section 1008.25(8)(a)1., F.S.

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

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

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

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

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

School Grades

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

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

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

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

²³ Section 1003.51(2), F.S.

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

²⁵ Section 1003.52(3)(d), F.S.

²⁶ Rule 6A-6.05281, F.A.C.

²⁷ Section 1003.51(2)(g)2., F.S.

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

²⁹ Section 1008.34(1), F.S.

³⁰ *See* s. 1008.33(4), F.S.

³¹ *See* s. 1008.36, F.S.

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

³³ Section 1008.34(3)(b)1.a.-j., F.S.

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

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

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

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

Effect of Proposed Changes

Pre-K-12 Assessments

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

Student Assessment for Department of Juvenile Justice Programs

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

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

School Grades

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

Education Choice and Virtual Instruction Programs

³⁴ Section 1008.34(3)(b)2., F.S.

³⁵ Section 1008.34(3)(c)1., F.S.

Present Situation

Academically Challenging Curriculum to Enhance Learning (ACCEL) Options

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

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

Virtual Instruction Programs

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

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

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

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

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

³⁶ Section 1002.3105, F.S.

³⁷ Section 1002.3105(4)(c), F.S.

³⁸ Section 1002.45(1)(a)3., F.S.

³⁹ Ch. 2011-137, L.O.F.

⁴⁰ Section 1002.321(3), F.S.

⁴¹ Section 1002.45(1)(b)1., F.S.

⁴² *Id.*

⁴³ Section 1002.45(2)(a)1., F.S.

⁴⁴ Section 1002.45(3), F.S.

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

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

Effect of Proposed Changes

Academically Challenging Curriculum to Enhance Learning (ACCEL) Options

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

Virtual Instruction Programs

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

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

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

School District and Department of Education Required Reports

Present Situation

Fine Arts Report

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

Charter Technical Career Centers Report

⁴⁵ Ch. 2023-16, L.O.F.

⁴⁶ Section 1003.4995, F.S.

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

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

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

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

Academically High-Performing School District Report

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

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

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

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

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

Implementation of State System of School Improvement and Education Accountability

⁴⁷ Section 1002.34(3)(a), F.S.

⁴⁸ Section 1002.34(19), F.S.

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

⁵⁰ Section 1003.4935(1), F.S.

⁵¹ Section 1003.4935(3), F.S.

⁵² Section 1003.621(1), F.S.

⁵³ Section 1003.621(4), F.S.

⁵⁴ Section 1008.332, F.S.

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

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

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

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

Effect of Proposed Changes

The bill repeals the following required reports:

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

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

⁵⁵ Section 1008.345, F.S.

⁵⁶ Section 1008.345(5), F.S.

⁵⁷ Section 1008.25(10), F.S.

⁵⁸ Section 1008.345(4), F.S.

⁵⁹ Section 1008.345(6)(d), F.S.

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

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

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

School District Programs

Present Situation

Competency Based Pilot Program

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

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

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

Single-Gender Programs

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

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

Art in the Capitol Competition

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

Effect of Proposed Changes

⁶⁰ Section 1003.4996, F.S.

⁶¹ Section 1003.4996(1), F.S.

⁶² Sections 1000.05 and 1002.311, F.S.

⁶³ Section 1003.49965, F.S.

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

School Readiness Oversight

Present Situation

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

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

Department of Education Oversight

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

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

Early Learning Coalition Oversight

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

⁶⁵ Section 1, ch. 99-357, L.O.F.

⁶⁶ Sections 1002.81 and 1002.87, F.S.

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

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

⁶⁹ Section 1002.83(1), F.S.

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

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

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

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

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

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

Effect of Proposed Changes

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

Florida College System Governance

Present Situation

⁷³ Part VI, ch. 1002, F.S.

⁷⁴ Part V, ch. 1002, F.S.

⁷⁵ Section 1002.84, F.S.

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

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

⁷⁸ Section 1002.85(2), F.S.

⁷⁹ *Id.*

State Board of Education Duties

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

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

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

Florida College System Institution Student Fees

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

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

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

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

⁸¹ See s. 1001.02, F.S.

⁸² Section 1001.02(1), F.S.

⁸³ See ss. 1008.31 and 1008.32, F.S.

⁸⁴ See s. 1008.32(2)-(4), F.S.

⁸⁵ Section 1001.02(5), F.S.

⁸⁶ Section 1001.03(17), F.S.

⁸⁷ Section 1009.23, F.S.

⁸⁸ Section 1009.23(1), F.S.

⁸⁹ Section 1009.23(2)(b), F.S.

⁹⁰ Section 1009.23(4), F.S.

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

Florida College System Institution Accountability Process

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

Baccalaureate Degree Access

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

Effect of Proposed Changes

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

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

Automotive Service Technology Education Programs

Present Situation

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

⁹¹ Section 1009.23(21), F.S.

⁹² Section 1001.02(3), F.S.

⁹³ Section 1008.45, F.S.

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

⁹⁵ Section 1001.02(3), F.S.

⁹⁶ Section 1007.33, F.S.

⁹⁷ Section 1004.925, F.S.

Effect of Proposed Changes

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

B. SECTION DIRECTORY:

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

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

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

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.