

SB 7070 – K-12 Education by Education

The bill expands educational choice and opportunity for low-income families, supports public schools by expanding student support services and reducing regulations, and benefits teachers by removing teacher certification barriers and providing incentive awards.

With regard to state scholarship programs, the bill:

- Creates the Family Empowerment Scholarship (FES) to help a specified number of students from low-income families attend an eligible private school.
- Provides that a student is eligible for an FES if the student meets the following criteria:
 - The student is on a direct certification list; **or**
 - The student's household income does not exceed 300% of the federal poverty level; **or**
 - The student is currently placed, or during the previous fiscal year was placed, in foster care or in out-of-home care, regardless of the student's household income-level; **and**
 - The student is eligible to enroll in kindergarten or has spent the prior school year in attendance at a public school.
- Establishes a FES scholarship funding priority for students whose household income levels do not exceed 185% of the federal poverty level or who are in foster care or out-of-home care.
- Provides that a scholarship recipient is eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first.
- Establishes parent, student, private school, school district, and FDOE responsibilities for the FES that are similar to those for the state's other 4 private school scholarship programs.
- Specifies that the FES will be funded through the FEFP, and administered by the DOE.
- Requires that the calculated scholarship amount for a student must be 95% of the unweighted FTE funding amount at the district level for the state fiscal year or the amount of the private school's tuition and fees, whichever is less.
- Provides that the number of students that may participate in the FES and the scholarship amount to provide:
 - Beginning in the 2020-2021 school year, the number of students participating in the scholarship program may annually increase by 0.25 percent of the state's total public school student enrollment.
 - The calculated scholarship amount must be based upon the grade level and school district in which the student was assigned as 95% of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program plus a per-full-time equivalent share of funds for all categorical programs, except for the Exceptional Student Education Guaranteed Allocation.
- Provides that before enrolling in a private school, a student and his or her parent or guardian must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, customized educational programs, code of student conduct, and attendance policies.
- Requires Scholarship Funding Organizations (SFOs) to verify the household income level of students and submit the verified list of students and related documentation to the DOE.
- Requires school districts to report all students who are attending a private school under the FES and to report them separately from other students reported for purposes of the FEFP.
- Modifies the Florida Tax Credit Scholarship Program (FTC) but grandfathers provisions for those students currently enrolled in the FTC.
- Requires that, beginning in 2019-2020 school year, the scholarship amount for all eligible students to attend an eligible private school be set at 95% of the unweighted FTE funding amount at the district level for that state fiscal year.
- Removes the sliding scale for an award based on income level between 185% and 260% of the federal poverty level.
- Revises provisions relating to the 3% administrative fee that SFOs are authorized to retain to provide that administrative expenses may not exceed 3% of the total amount of all scholarships awarded by an eligible SFO.

- Authorizes net eligible contributions remaining on June 30 of each year to be used to provide scholarships to eligible students or transferred to other eligible SFOs to provide scholarships for eligible students by September 30 of each year.
- Revises the Gardner Scholarship Program (GSP) by redirecting eligible contributions from real property rental and license fee tax credits to the Florida Tax Credit Scholarship Program.
- Removes the provision in law authorizing a separate appropriation for administrative fees for a SFO and aligns with other provisions in the bill authorizing a SFO to retain administrative expenses from eligible contributions to the SFO.
- Aligns the Hope Scholarship Program (HSP) with other state scholarship programs by setting the scholarship award at 95% of the unweighted FTE amount at the district average and specifying that SFOs may use three percent of eligible contributions for administrative costs.
- Authorizes unallocated HSP funds to be used to fund the Florida Tax Credit Scholarship.

With regard to the Best and Brightest Teacher and Principal Scholarship Programs, the bill:

- Provides that the funding for both programs will be provided by the transfer of a currently non-FEFP allocation to a new categorical within the FEFP and subject to annual appropriation.
- Establishes the Florida Best and Brightest Teacher and Principal Allocation within the FEFP. Each school district will be provided an allocation based on the district's proportionate share of FEFP base funding for best and brightest teacher and principal awards as established within those programs.
- Revises the Best and Brightest Teacher Program to authorize three types of awards – recruitment, retention, and recognition – each with distinct criteria for determining eligibility as follows:
 - Recruitment awards for newly hired teachers who are a content expert, based on criteria established by FDOE, in mathematics, science, computer science, reading, or civics.
 - Retention awards for teachers rated as “highly effective” or “effective” the preceding year, and currently teaching in a school that has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.
 - Recognition awards for teachers and instructional personnel rated as “highly effective” or “effective” and selected by the school principal based on performance criteria and policies adopted by the district school board. The recognition awards must be provided from remaining funds available after the payment of all other teacher recruitment and retention awards and principal awards.
- Revises the Best and Brightest Principal Program to provide that a principal is eligible for an award if he or she has served as school principal at his or her school for at least 4 consecutive school years, including the current school year, and the school has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.

With regard to teacher certification and preparation, the bill:

- Removes the requirement that a teacher issued a temporary certificate must demonstrate mastery of general knowledge by achieving passing scores on all subtests within one calendar year of the date of employment.
- Removes the prohibition on a school district from continuing employment beyond one year for a teacher with a temporary certificate who has not demonstrated mastery of general knowledge.
- Retains the requirement for a teacher to demonstrate mastery of general knowledge as a condition for issuance of a professional certificate, but extends the time to demonstrate mastery of general knowledge for the validity period of the temporary certificate.

- Modifies the provisions for an extension of time to earn a professional certificate to provide a teacher an additional two years to earn a professional certificate if the certificate holder is rated highly effective in the immediate prior year's performance evaluation or has completed a 2-year mentorship program.
- Specifies that only a classroom teacher must demonstrate mastery of general knowledge to earn the applicable educator certificate.
- Requires a school district who employs a classroom teacher who does not achieve passing scores on any subtest of the general knowledge examination to provide information regarding the availability of state-level and district-level supports and instruction to assist that teacher in achieving a passing score.
- Modifies the requirement that the SBE establish in rule various certification fees by removing the provision that examination fees must be sufficient to cover the actual cost of developing and administering the examination and requires that the rule specify and limit various fees.
- Revises the required criteria for continued teacher preparation program approval to include a survey of program completers' satisfaction with preparation for the realities of the classroom, employers' satisfaction with the program, and the programs' responsiveness to local school districts. Each Florida public and private institution must include these surveys in their annual report regarding state-approved teacher preparation programs to the general public.
- Revises the requirements for approval of an educator preparation institute's certification program to include, in addition to the requirements of current law:
 - Participant instruction and assessment in the Florida Educator Accomplished Practices across content areas.
 - The use of state-adopted content standards to guide curriculum and instruction.
 - Strategies to differentiate instruction based on student need. The bill eliminates the requirement that the plan include instruction and assessment in school safety.
 - The use of character-based classroom management.
 - Field experiences appropriate to the certification subject area with a diverse population of students in a variety of challenging environments, including, but not limited to, high-poverty schools, urban schools, and rural schools, under the supervision of qualified educators.
- Modifies the performance evaluations that measure the effectiveness of the programs to include satisfaction surveys of employers and teacher-candidates, rather than just of employers.

With regard to School Improvement, the bill:

- Revises provisions relating to persistently low-performing schools and schools of hope to provide:
 - "Florida Opportunity Zone" means a population census tract that has been designated by the United States Department 12 of the Treasury as a Qualified Opportunity Zone.
 - "Persistently low-performing school" means a school that has earned three grades lower than a "C" in at least 3 of the previous 5 years and has not earned a grade of "B" or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.
 - A charter school operated by a hope operator may open a school of hope , a school of hope operator may open a school of hope to serve students who reside in a Florida Opportunity Zone and/or be located in a Florida Opportunity Zone.
- Removes the Schools of Hope Program awards for traditional public schools and establishes a new categorical program, the Turnaround School Supplemental Services Allocation within the FEFP that provides funding to schools in, or exiting, turnaround status. The allocation provides schools with \$500 per FTE, or as otherwise provided in the GAA, to offer services designed to improve the overall academic and community welfare of the school's students and families.
- Requires a school district must annually submit a plan for implementation to the district school board before receiving the allocation and requires the plan to include descriptions of specified academic and support services.

- Provides that schools implementing a turnaround option may receive funding from the allocation for a maximum of four continuous fiscal years and provides that a school that exits turnaround with a grade of “C” or higher will remain eligible to receive the allocation for a maximum of two continuous fiscal years after exiting turnaround status.
- Authorizes a school district, under the Turnaround School Supplemental Services Allocation, to enter into a formal agreement with a 501(c)(3) non-profit organization to implement an integrated student support service model that provides students and families with access to wrap-around services.
- Provides that a School of Hope may receive funds until the school reaches full enrollment as defined in their charter and may also use state funds for costs associated with initial leasing of a facility.
- Provides that recoverable assets revert to the district school board if the School of Hope is dissolved or otherwise terminated.
- Creates the Community School Grant Program to fund and support the planning and implementation of community school programs based on a school service model that utilizes long-term partnerships among a school district, community organization, a university or college, and a health care provider to implement programs, beyond the standard hours of instruction that must include, among other things, expanded learning opportunities, support for students, and family engagement.
- Provides that a charter between the sponsor and charter school may include a provision requiring the charter school be held responsible for costs including, but not limited to, mediation, damages, and attorney fees incurred by the school district associated with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

With regard to funds for the operation of schools, the bill:

- Removes the requirement related to prorating the level of appropriation for the federally connected supplement.
- Includes the revised Florida Best and Brightest Teacher and Principal Allocation in the calculation of the virtual education contribution.

With regard to educational facilities, the bill:

- Includes the funds generated by a 1.5-mill levy of ad valorem property taxes with the existing funds the district can use for capital outlay for educational, auxiliary, or ancillary facilities without requiring a survey recommendation.
- Allows a district school board to adopt a resolution through a majority vote, rather than a supermajority vote, to implement exceptions to the educational facilities construction requirements, and removes the requirement that the board conduct a cost-benefit analysis prior to voting on the resolution.
- Revise provisions relating to funds for comprehensive educational plant needs to provide:
 - During the 2019-2020 school year, a school district that sustained hurricane damage in the 2018-2019 school year may request funding from the Special Facility Construction Account for a new project before the completion of the district’s participation requirement for an outstanding project.
 - Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station unless approved by the Special Facility Construction Committee. At the discretion of the committee, costs that exceed the cost per student station for special facilities may include legal and administrative fees, the cost of site improvements or related offsite improvements, the cost of complying with public shelter and hurricane hardening requirements, cost overruns created by a disaster, costs of security enhancements approved by the school safety specialist, and unforeseeable circumstances beyond the district’s control.

- Revises cost per student station provisions by removing legal and administrative costs, site or offsite improvement costs, the cost of complying with public shelter and hurricane hardening requirements, and the cost of any security enhancements and/or other capital construction items approved by the school safety specialist from the costs included in the cost per student station.
- Specifies that the commissioner's ability to withhold capital outlay funds as a result of a school district's facility needs survey applies only to general revenue funds or state trust funds.
- Requires the Office of Economic and Demographic Research (EDR), in conjunction with the FDOE, to review and revise the cost per student station limits to reflect actual construction costs by December 1, 2019, and subsequently every three years, and to select an industry-recognized construction index to replace the currently-used Consumer Price Index, to be adjusted annually.
- Requires that the revised cost per student station limits must be used by the FDOE for computation of the statewide average cost per student station for each instructional level.
- Removes the requirements for the DOE to make the final determination on district compliance with the cost per student station limits along with the sanctions imposed on school districts for violating the cost per student station limits.
- Removes the prohibition on district school boards from using funds from any sources for new construction of educational plant space with a total cost per student station in excess of the current limits specified in law.
- Revises the components of the cost per student station calculation to include offsite improvement costs, the cost of complying with public shelter and hurricane hardening requirements, security enhancements, and capital construction items that are approved by the school safety specialist.
- Modifies the criteria that must be met by a school district to have their funding request considered by the Special Facility Construction Committee by allowing districts to apply for funding based on the district school board approval of Phase I plans, instead of the Phase III plans, as being in compliance with the building and life safety codes.