

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 443 Education  
**SPONSOR(S):** Valdés  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 986

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Choice & Innovation Subcommittee	14 Y, 0 N, As CS	Dixon	Sleap

**SUMMARY ANALYSIS**

The bill requires a charter school sponsor to annually provide a report to its charter schools on what administrative and educational services are being rendered from the sponsor’s portion of the administrative fee. The report must include the listed services and be submitted to the Department of Education by September 15 of each year. Additionally, a sponsor is required, as a part of providing administrative and education services to a school, to provide training on systems the sponsor will require the charter school to use.

The bill requires the State Board of Education to adopt rules to implement a standard monitoring tool for conducting annual site reviews of charter schools.

The bill authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school.

The bill expands the definition of “classroom teacher” eligible for the Florida Teachers Supply Assistance Program to also include an administrator or a substitute teacher who holds a valid teaching certificate and who is filling a vacancy in an identified teaching position on or before September 1 of each year.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2023.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Florida Charter Schools

##### Present Situation

All charter schools in Florida are tuition-free public schools within the state's public education system.<sup>1</sup> Charter schools are nonsectarian and operate under a performance contract with a sponsor.<sup>2</sup> This performance contract is known as a "charter."<sup>3</sup> The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.<sup>4</sup> One of the guiding principles of charter schools is to "meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system."<sup>5</sup>

In Florida, several types of entities may authorize or "sponsor" charter schools:

- School districts, Florida College System (FCS) institutions, and state universities may sponsor charter schools.<sup>6</sup>
- State universities may sponsor charter lab schools.<sup>7</sup>
- School districts, FCS institutions, or a consortium of school districts or FCS institutions may sponsor a charter technical career center.<sup>8</sup>

During the 2021-22 school year, over 361,939 students were enrolled in 703 charter schools in 47 of Florida's 67 school districts.<sup>9</sup>

##### *Charter School Sponsor's Responsibilities*

A charter school sponsor's responsibilities include:<sup>10</sup>

- approving or denying charter school applications;
- overseeing each sponsored charter school's progress toward the goals established in the charter;
- monitoring the revenues and expenditures of the charter school;
- ensuring that the charter school participates in the state's education accountability system; and
- intervening when a sponsored charter school demonstrates deficient student performance or financial instability.

A sponsor must provide various administrative and educational services to charter schools, such as contract management, student enrollment and achievement data reporting, exceptional student education program administration, eligibility determination and reporting for National School Lunch

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<sup>1</sup> Section 1002.33(1), F.S. Florida's first charter school law was enacted in 1996. Chapter 96-186, L.O.F., *initially codified at* s. 228.056, F.S., *re-designated in 2002 as* s. 1002.33, F.S.

<sup>2</sup> Section 1002.33(1), (7), and (9)(a), F.S.

<sup>3</sup> Section 1002.33(7) and (9)(c), F.S.

<sup>4</sup> Section 1002.33(2)(b)3. and (16), F.S.

<sup>5</sup> Section 1002.33(2)(a)1., F.S.

<sup>6</sup> Section 1002.33(5)(a)1.-3., F.S.; In 2021, the Legislature authorized Florida's state universities and FCS institutions to solicit applications and sponsor charter schools upon approval by the DOE. A state university or FCS institution may, at its discretion, deny an application for a charter school. S. 1002.33(5)(a)3.c., F.S.

<sup>7</sup> Sections 1002.32(2) and 1002.33(5)(a)2., F.S.

<sup>8</sup> Section 1002.34(3)(a)-(b), F.S.

<sup>9</sup> Florida Department of Education, *Fact Sheet, Office of Independent Education & Parental Choice, Florida's Charter Schools* (Sept. 2022), available at [Charter-Sept-2022 \(fldoe.org\)](https://fldoe.org/Charter-Sept-2022).

<sup>10</sup> Section 1002.33(5)(b), F.S.

Program, assessment test administration, processing of teacher certification data and student information services.<sup>11</sup>

A sponsor may withhold an administrative fee for the various administrative services provided to the charter school. The amount withheld is a percentage based on weighted full-time equivalent students.<sup>12</sup> The administrative fee is calculated, up to five percent for:<sup>13</sup>

- Enrollment of up to and including 250 students in a charter school or virtual charter school.
- Enrollment of up to and including 500 students within a charter school system and meets all of the following:
  - Includes conversion charter schools and nonconversion charter schools.
  - Has all of its schools located in the same county.
  - Has a total enrollment exceeding the total enrollment of at least one school district in Florida.
  - Has the same governing board for all of its schools.
  - Does not contract with a for-profit service provider for management of school operations.

A sponsor may withhold up to two percent for enrollment of up to and including 250 students in a high-performing charter school or up to 250 students in an exceptional student education center that meets specified requirements.<sup>14</sup>

The sponsor is required to provide to the Department of Education (DOE), by September 15 of each year, the total amount of funding withheld from the charter schools for the prior fiscal year.<sup>15</sup>

### *Student Eligibility for Enrollment*

Charter schools are open to all students residing within a school district and students who are covered by an inter-district enrollment agreement.<sup>16</sup> The charter school governing board determines the school's capacity based upon its contract.<sup>17</sup> Prospective students must apply for enrollment in a charter school and, if the number of applications exceeds the school's capacity, a random lottery must be used to determine which students are enrolled.<sup>18</sup> Enrollment preference may be given to:<sup>19</sup>

- siblings of current charter school students;
- children of a member of the charter school governing board;
- children of charter school employees;
- children who complete a Voluntary Prekindergarten Education (VPK) program, during the previous year, provided by the charter school, the charter school's governing board, or a VPK provider which has a written agreement with the governing board;
- children of active-duty U.S. Armed Forces personnel; and
- children who attend or are assigned to a failing school.

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<sup>11</sup> Section 1002.33(20)(a)1., F.S.

<sup>12</sup> Section 1002.33(20)(a)2., F.S., If a charter school serves 75 percent or more exceptional education students, the percentage is required to be calculated based on unweighted full-time equivalent students.

<sup>13</sup> Section 1002.33(20)(a)2.a., F.S.

<sup>14</sup> Section 1002.33(20)(a)b.-c., F.S. A charter school that is an exceptional student education center and that receives two consecutive ratings of "maintaining" or higher may replicate its educational program. The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the requirements and provide a letter to the charter school and the sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school, *see* s. 1008.3415, F.S.

<sup>15</sup> Section 1002.33(20)(a)4., F.S.

<sup>16</sup> Section 1002.33(10)(a), F.S. A charter school receiving federal Charter School Program grant funds must use a lottery if more students apply for admission to the charter school than can be admitted, unless students are enrolling in the immediate prior grade level of an "affiliated charter school." However, a charter school may use a weighted lottery under certain prescribed circumstances. *see* 20 U.S.C. s. 7221b(c)(3) and s. 7221i(2)(H). *see also* U.S. Department of Education, Office of Elementary & Secondary Education, *Dear Colleague Letter- ESSA flexibilities for CSP Grantees* (Nov. 15, 2017), available at <https://oese.ed.gov/files/2019/11/CSP-DCL-1.pdf>.

<sup>17</sup> Section 1002.31(2)(b), F.S.

<sup>18</sup> Section 1002.33(10)(b), F.S.

<sup>19</sup> Section 1002.33(10)(d)1.-3. and 5.-7., F.S.

Additionally, a charter school-in-the-workplace may give enrollment preference to students whose parents are employees of the school's business partner and students whose parents are residents of the municipality in which the school is located. A charter school-in-a-municipality may also give enrollment preference to students whose parents are residents or employees of a municipality that operates a charter school-in-the-workplace or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of a charter school.<sup>20</sup>

### *Standard Charter Forms*

The Department of Education (DOE) must provide information to the public, directly and through sponsors, on how to form and operate a charter school and how to enroll in a charter school once it is created.<sup>21</sup> The information must include the standard application form, standard charter and virtual charter contracts, standard evaluation instrument, and standard charter and virtual charter renewal contracts.<sup>22</sup> To fulfill these requirements, the DOE, after consulting with sponsors and charter school directors, must recommend that the State Board of Education (SBE) adopt rules to implement the forms.<sup>23</sup>

### *Safe-School Officers*

District school boards and school district superintendents are required to partner with law enforcement or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options in order for charter schools to satisfy the requirement that at least one safe-school officer be present on each school facility.<sup>24</sup>

A safe-school officer may be a school resource officer,<sup>25</sup> school safety officer,<sup>26</sup> school guardian,<sup>27</sup> or a school security guard.<sup>28</sup>

### Effect of Proposed Changes

The bill requires a charter school sponsor to annually provide a report to its charter schools on what administrative and educational services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the DOE by September 15 of each year.

Additionally, the bill requires a sponsor, as a part of providing administrative and education services to a school, to provide training on systems the sponsor will require the charter school to use.

The bill authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school.

The bill requires the SBE to adopt rules to implement a standard monitoring tool for conducting annual site reviews of charter schools.

### **The Florida Teachers Supply Assistance Program**

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<sup>20</sup> Section 1002.33(10)(d)4.a.-b., F.S.

<sup>21</sup> Florida Department of Education, *Charter Schools New Application*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-resources/new-applicant/> (last visited Mar. 22, 2023).

<sup>22</sup> Section 1002.33(21), F.S.

<sup>23</sup> Section 1002.33(28), F.S. and Rule 6A-6.0786.

<sup>24</sup> Section 1006.12, F.S.

<sup>25</sup> Section 1006.12(1), F.S.

<sup>26</sup> Section 1006.12(2), F.S.

<sup>27</sup> Section 1006.12(3), F.S.

<sup>28</sup> Section 1006.12(4), F.S.

## Present Situation

The Florida Teacher Supply Assistance Program (program) provides funds to school districts and charter schools for classroom teachers<sup>29</sup> to purchase, on behalf of school districts or charter schools, classroom materials and supplies for the public school students assigned to them.<sup>30</sup> Program funds are appropriated by the Legislature in the General Appropriations Act (GAA) and distributed by July 15 to each school district by the Commissioner of Education based on the district's proportionate share of the state's total unweighted full time equivalent student enrollment.<sup>31</sup>

District school boards are required to calculate an identical amount from the funds available to the school districts for the program for each classroom teacher who is estimated to be employed by the school district or a charter school in the district by September 1 of each year. A job-share classroom teacher<sup>32</sup> may receive a prorated share of the amount provided to a full-time classroom teacher.<sup>33</sup>

As of July 1 of each school year, if a classroom teacher is expected to be employed by a school district or charter school in the district on September 1, then the district school board and each charter school governing board may provide the teacher with their proportionate share by August 1. If a teacher's expected employment is determined after July 1, then the district school board and each charter governing board must provide the teacher with the teacher's proportionate share of funds by September 30.<sup>34</sup>

Each classroom teacher must sign a statement acknowledging receipt of the funds, and keep receipts for at least four years to show that the funds were spent as required by the program. Any unused funds must be returned to the district school boards at the end of the regular school year.<sup>35</sup>

The 2022-2023 GAA appropriate \$54,143,275 to the program.<sup>36</sup>

## Effect of Proposed Changes

The bill expands the definition of "classroom teacher" eligible for program funds to also include an administrator or a substitute teacher who holds a valid teaching certificate and who is filling a vacancy in an identified teaching position on or before September 1 of each year.

To conform to the expanded program eligibility, the bill requires a school district to calculate a prorated share of the program funds for a classroom teacher who teaches less than full time.

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<sup>29</sup> Section 1012.71(1), F.S. A classroom teacher means a certified teacher employed by a public school district or public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance program.

<sup>30</sup> Section 1012.71, F.S. The funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds are to be used to supplement the materials and supplies otherwise available to classroom teachers.

<sup>31</sup> Section 1012.71(2), F.S.

<sup>32</sup> *Id.* at 20, A job-share classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

<sup>33</sup> Section 1012.71(3), F.S.

<sup>34</sup> *Id.*

<sup>35</sup> Section 1012.71(4), F.S. Unused funds shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Classroom Supply Assistance Program account of the school district in which a charter school is sponsored.

<sup>36</sup> Specific Appropriations 5 and 89, s. 2 ch. 2022-156, L.O.F

**B. SECTION DIRECTORY:**

- Section 1:** Amends s. 1002.33, F.S.; authorizing charter schools to give enrollment preference to specified students; requiring charter school sponsors to provide specified training and a certain report to its charter schools; requiring the report to be submitted to the Department of Education by a specified date; requiring the State Board of Education to adopt rules to implement a standard monitoring tool.
- Section 2:** Amends s. 1012.71; revising the definition of the term “classroom teacher”; requiring district school boards to calculate prorated shares of funds from the Florida Teachers Classroom Supply Assistance Program for certain classroom teachers.
- Section 3:** Provides an effective date.

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

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

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

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

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

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

None.

**D. FISCAL COMMENTS:**

The bill does not appear to have a fiscal impact.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

None.

1. Applicability of Municipality/County Mandates Provision:  
None.
2. Other:  
None.

**B. RULE-MAKING AUTHORITY:**

This bill authorizes the State Board of Education to adopt rules to implement a standard charter school monitoring tool.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On March 27, 2023, the Choice & Innovation Subcommittee adopted a Proposed Committee Substitute (PCS) with one amendment and report the bill favorably as a committee substitute. The PCS, as amended, differed from HB 443 in the following ways:

- removes the requirement for sponsors to provide charter schools training on statutory requirements;
- removes the withholding of funding for a sponsor that does not allow a charter school to participate in training;
- removes requirements for the Department of Education (DOE) to withdraw administrative fee costs if sponsor services are not being rendered;
- removes extending the validity period of a statement of status of eligibility to qualify for educator certification to 5 years and a professional certificate to 10 years;
- removes revised eligibility for a professional teaching certificate;
- removes the requirement for an administrator or substitute teacher to petition the DOE for the Florida Teacher Classroom Supply Assistance Program (program) funds;
- expands the definition of classroom teacher to also include an administrator or a substitute teacher who holds a valid teaching certificate to be eligible to receive funds from the program;
- authorizes a charter school to give enrollment preference to students who are the children of a safe-school officer at the charter school.

The bill analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.