

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 1537 Education

**SPONSOR(S):** Appropriations Committee, Education Quality Subcommittee, Rizo and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 1430

| REFERENCE                           | ACTION           | ANALYST  | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|-------------------------------------|------------------|----------|--|
| 1) Education Quality Subcommittee   | 18 Y, 0 N, As CS | McDaniel | Sanchez                                  |
| 2) Appropriations Committee         | 27 Y, 0 N, As CS | Potvin   | Pridgeon                                 |
| 3) Education & Employment Committee |                  |          |  |

### SUMMARY ANALYSIS

The bill improves the overall quality of Florida's teacher preparation programs by:

- Streamlining instruction and assessment in educator preparation institute (EPI) programs by requiring candidate instruction and assessment on the Florida Educator Accomplished Practices and state academic standards;
- Requiring EPI candidates to demonstrate competency and participate in field experiences that are relevant to their individual educational plan;
- Expanding initial teacher preparation programs' core curricula to include instructional practices to support effective, research-based assessment and grading practices aligned to the state's academic standards;
- Delineating, separating, and renaming Professional Learning Certification Programs and Professional Education Competency Programs.

The bill requires a system-wide shift from professional development to professional learning by defining the requirements for professional learning and requiring the Department of Education (DOE) to create a high-quality programs web-based marketplace. The bill protects administrators' responsibility to visit and observe classroom teachers throughout the year.

The bill extends temporary teaching certificates from three years to five years and limits the certificate to a one-time, non-renewable issuance. The bill expands eligibility for temporary certification to candidates who are currently enrolled in state-approved teacher preparation programs and meet certain requirements.

Beginning in the 2023-2024 school year, the bill replaces the standard high school diploma requirement to earn one credit in practical arts with one credit in career education for students entering grade 9; and, adds additional measures to the school grades formula.

The bill authorizes school districts to select the Classic Learning Test (CLT) for an annual districtwide administration for certain students and allows students to earn a concordant score on the CLT to meet the initial eligibility requirements for the Bright Futures Scholarship Program.

The bill also expands postsecondary credit pathways and incentives for school districts and teachers. The DOE, in consultation with the Board of Governors, shall report to the Legislature by January 1, 2024, on the alignment between acceleration mechanisms for secondary students and student success.

The bill authorizes additional enforcement mechanisms for the Commission for Independent Education (commission) at the DOE, and expands fair consumer practices and minimum standards for all licensure for private, postsecondary institutions under the jurisdiction of the commission.

The bill allows Bright Futures Scholarship Program students to combine volunteer and paid work hours to meet initial eligibility requirements. The bill provides retroactive authority for students to include paid work completed on or after June 27, 2022 in the student's total of required paid work hours.

The bill has an indeterminate fiscal impact. See Fiscal Analysis.

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

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives .**

**STORAGE NAME:** h1537d.APC

**DATE:** 4/12/2023

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Teacher Preparation Programs

##### Present Situation

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.<sup>1</sup> State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers. Candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.<sup>2</sup>

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials and qualify for a Florida Professional Educator Certification, including:<sup>3</sup>

- *Initial Teacher Preparation programs*: “Traditional” teacher preparation programs are offered by Florida postsecondary institutions and typically culminate in a bachelor’s or master’s degree. The programs require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.
- *Educator Preparation Institutes*: Alternative certification programs offered by postsecondary institutions and qualified private providers for baccalaureate degree holders. The programs provide professional preparation for career-changers and recent college graduates who do not already possess a professional educator certificate. They require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- *District Professional Development Certification and Education Competency Programs*: Cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.<sup>4</sup> In addition to completing the district program, candidates must demonstrate mastery of general knowledge<sup>5</sup> and subject area knowledge.<sup>6</sup>

Mastery of general knowledge for a professional teaching certificate may be demonstrated through several methods, including passing one of several different examinations identified by the State Board of Education (SBE),<sup>7</sup> having a valid teaching certificate from another state,<sup>8</sup> having a SBE approved

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<sup>1</sup> Section 1004.04(1)(b), F.S.

<sup>2</sup> See Florida Department of Education, *Professional Development in Florida*, available at <http://www.fldoe.org/teaching/professional-dev/> (last visited Mar. 9, 2023). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

<sup>3</sup> Florida Department of Education, *Educator Preparation*, available at <http://www.fldoe.org/teaching/preparation> (last visited Mar. 9, 2023). See also rule 6A-5.066, F.A.C.

<sup>4</sup> Section 1012.56(8)(a), F.S.

<sup>5</sup> See Florida Department of Education, *General Knowledge*, available at <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Mar. 9, 2023).

<sup>6</sup> Florida Department of Education, *Subject Area Knowledge*, available at <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml> (last visited Mar. 9, 2023).

<sup>7</sup> Section 1012.56(3)(e), F.S. Examinations for mastery of general knowledge include the Florida General Knowledge Test and identified test sections of the GRE, including GRE Analytical Writing, GRE Quantitative Reasoning, and GRE Verbal Reasoning.

<sup>8</sup> Section 1012.56(3)(b), F.S.

national educator credentialing,<sup>9</sup> having a master's or higher degree,<sup>10</sup> or completing two semesters of college teaching experience at a specified Florida institution.<sup>11</sup>

Mastery of subject area knowledge for a professional teaching certificate may be demonstrated through several methods, including passing a subject matter examination under specific conditions, having a valid teaching certificate from another state, having a valid certificate from the National Board for Professional Teaching Standards, or for certain subject areas, achieving a passing score or program completion of a specified defense language proficiency test or program.<sup>12</sup>

### *Teacher Preparation Program Uniform Core Curricula*

Each candidate enrolled in a teacher preparation program must receive instruction and be assessed on the uniform core curricula in his or her area of program concentration during course work and field experiences. A candidate for certification in a coverage area that includes reading instruction or interventions in kindergarten through grade 6 must successfully complete all competencies for a reading endorsement.<sup>13</sup>

Uniform core curricula for each state-approved teacher preparation program is established by the SBE and must include, but is not limited to:<sup>14</sup>

- candidate instruction and assessment in the Florida Educator Accomplished Practices (FEAP)<sup>15</sup> across content areas;
- the use of state-adopted content standards to guide curricula and instruction;<sup>16</sup>
- scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies;<sup>17</sup>
- content literacy and mathematical practices;
- strategies appropriate for instruction of English language learners;
- strategies appropriate for instruction of students with disabilities;
- strategies to differentiate instruction based on student needs;
- strategies and practices to support evidence-based content aligned to state standards and grading practices;
- strategies appropriate for the early identification of students in crisis or experiencing a mental health challenge and the referral of such student to a mental health professional for support; and
- strategies to support the use of technology in education and distance learning.

In addition, before program completion, each candidate must demonstrate his or her ability to positively impact student learning growth in the candidate's area(s) of program concentration during a prekindergarten through grade 12 field experience. The candidate must pass each portion of the Florida Teacher Certification Examination required for a professional certificate in the area(s) of program concentration.<sup>18</sup>

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<sup>9</sup> Section 1012.56(3)(c), F.S.

<sup>10</sup> Section 1012.56(3)(f), F.S. The degree must be from an accredited postsecondary educational institution that the DOE identified as having a quality program resulting in a bachelor's degree or higher.

<sup>11</sup> Section 1012.56(3)(d), F.S.

<sup>12</sup> Section 1012.56(5), F.S.

<sup>13</sup> Section 1004.04(2)(c), F.S.

<sup>14</sup> Section 1004.04(2)(b)1.-10., F.S.

<sup>15</sup> Rule 6A-5.065, F.A.C.

<sup>16</sup> The State Board of Education adopts the state academic standards which establish the core content of the curricula taught in the state and specify the core content knowledge and skills that K-12 public school students are expected to acquire. Rule 6A-1.09401(1), F.A.C.; s. 1003.41(4), F.S.

<sup>17</sup> The Just Read, Florida! Office must assist teacher preparation programs and educator preparation institutes with this requirement. Section 1001.215(11), F.S.

<sup>18</sup> Section 1004.04(2)(d), F.S.

## *Educator Preparation Institutes*

Postsecondary institutions that are accredited or approved by the Department of Education (DOE) to award degrees and credits for educator certification may seek approval from the DOE to create educator preparation institutes (EPI) for the purpose of providing all or any of the following:<sup>19</sup>

- professional development instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements;
- instruction to assist potential and existing substitute teachers in performing their duties;
- instruction to assist paraprofessionals in meeting education and training requirements;
- competency-based program instruction for noneducation baccalaureate degree holders to become certified teachers in order to increase routes to the classroom for mid-career professionals; and
- instruction and professional development for part-time and full-time non-degreed teachers of career programs.

A private provider that has a proven history of delivering high-quality educator preparation may also seek approval to offer a competency-based certification program. The DOE approval must be based upon evidence provided from other states' recipients of the provider's services and data showing the successful performance of completers based upon student achievement.<sup>20</sup>

Each EPI participant must:<sup>21</sup>

- meet certification application and eligibility requirements established in law;
- participate in coursework and field experiences that are appropriate to the participant's educational plan, including completion of all competencies for a reading endorsement when seeking certification in a certificate area that includes reading instruction or interventions in kindergarten through grade 6;
- before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting; and
- achieve a passing score on the professional education competency examination,<sup>22</sup> the basic skills examination, and the subject area examination for the subject area certification which is required by SBE rule.

Continued EPI approval is determined by the Commissioner of Education based upon a periodic review of candidate readiness based on passage rates on educator certification examinations and evidence of student performance on several key indicators.<sup>23</sup>

Each approved EPI must submit annual performance evaluations to the DOE that measure the effectiveness of the programs, including the pass rates of participants on all examinations required for teacher certification, employment rates, longitudinal retention rates, and satisfaction surveys of employers and program completers. The satisfaction surveys must be designed to measure the sufficient preparation of the educator for the realities of the classroom and the EPI's responsiveness to local school districts. These evaluations must be used by the DOE for purposes of continued approval of an EPI's certification program.<sup>24</sup>

## *Professional Development Certification and Education Competency Programs*

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<sup>19</sup> Section 1004.85(2)(a), F.S.

<sup>20</sup> Section 1004.85(2)(b), F.S.

<sup>21</sup> Section 1004.85(3)(b), F.S.

<sup>22</sup> An individual that completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate. Section 1012.575, F.S.

<sup>23</sup> Section 1004.85(4), F.S.

<sup>24</sup> Section 1004.85(5), F.S.

School districts, charter schools and charter management organizations may offer a professional development certification and education competency program (program) that must be approved by the DOE. The program must include:<sup>25</sup>

- a minimum period of initial preparation before becoming the teacher of record;
- an option to collaborate with other agencies or educational entities for implementation;
- a teacher mentorship and induction component;
- an assessment of teaching performance aligned with the district's personnel evaluation system;
- professional educational preparation content knowledge which must be included in the mentoring and induction activities;
- required passing scores on the general knowledge, subject area and the professional education competency test; and
- completion of all competencies for a reading endorsement for all candidates for certification in coverage areas that include reading instruction or interventions in kindergarten through grade 6.

The DOE adopts standards for the approval of programs.<sup>26</sup> Florida law requires standards for the teacher mentorship and induction component include: program administration and evaluation; mentor roles, selection and training, beginning teacher assessment and professional development; and, teacher content knowledge and practices aligned to the Florida Education Accomplished Practices.<sup>27</sup> The program must provide at least weekly opportunities for specific activities for mentorship and induction.<sup>28</sup> The activities must be provided during a teacher's first year in the program and may be provided until the teacher attains his or her professional certification.<sup>29</sup> A program completer who is rated highly effective based on a performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.<sup>30</sup>

Each school district, charter school, or charter management organization that elects to provide a program must have its program approved by the DOE according to the adopted standards. Without this approval, a teacher may not satisfy requirements for a professional certificate through such a program.<sup>31</sup>

The School Community Professional Development Act requires each school district to provide a professional development system to educators.<sup>32</sup> (See Professional Development System subsection below for a detailed description.) For teachers participating in a school district's professional preparation and education competency program, the professional development system must provide in-service activities and support targeted to the individual needs of those teachers.<sup>33</sup> For reading coaches, classroom teachers, and school administrators, a professional development system must provide training in:<sup>34</sup>

- effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills;
- incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and
- using predictive and other data to make instructional decisions based on individual student needs.

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<sup>25</sup> Section 1012.56(8)(a)1.-7., F.S.

<sup>26</sup> Rule 6A-5.066, F.A.C.

<sup>27</sup> Section 1012.56(8)(c), F.S.

<sup>28</sup> Section 1012.56(8)(a)3.b., F.S.

<sup>29</sup> *Id.*

<sup>30</sup> Section 1012.56(7)(a)3., F.S., *see* rule 6A-5.066, F.A.C.

<sup>31</sup> *Id.*

<sup>32</sup> Section 1012.98(4)(b), F.S.

<sup>33</sup> Section 1012.98(4)(b)4., F.S.

<sup>34</sup> Section 1012.98(4)(b)11., FS.

All elementary grades instructional personnel must be provided access to sufficient training so they can meet certification or endorsement requirements established by the SBE with respect to reading instruction and intervention.<sup>35</sup>

### Effect of Proposed Changes

The bill adds strategies and practices to support effective, research-based assessment and grading practices aligned to the state's academic standards to the list of uniform core curricula topics that must be included in teacher preparation programs.

The bill eliminates redundancy in educator preparation institute instruction provided to candidates that are already embedded in the FEAP. The bill clarifies that a candidate must demonstrate competency and participate in field experiences that are appropriate to his or her individual educational plan at the institute.

The bill requires that all state approved educator preparation programs cover scientifically-based reading instruction, content literacy, and mathematical practices for each subject identified on the participant's statement of status of eligibility or temporary certificate.

The bill requires the SBE to adopt rules for the approval of educator preparation institutes.

The bill delineates, separates, and renames the two alternative certification pathways offered by school districts, charter schools, and charter management organizations: Professional Learning Certification Programs and Professional Education Competency Programs.

The bill provides that the Professional Learning Certification Programs must include a teacher mentorship and induction component to ensure candidates receive timely coaching and feedback to improve practice; and establishes in a separate section of law, Professional Education Competency Programs.

The bill provides the SBE with rulemaking authority to adopt criteria for the review and approval of Professional Learning Certification Programs.

## **Educator Certification**

### Present Situation

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly-operated school, the person must hold a certificate issued by the DOE.<sup>36</sup> Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.<sup>37</sup> The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."<sup>38</sup> While there are several certification pathways, any individual seeking certification must meet specific eligibility requirements:<sup>39</sup>

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;

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<sup>35</sup> *Id.*

<sup>36</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>37</sup> Section 1002.33(12)(f), (charter school teachers) and s. 1012.55(1)(b), (traditional public school teachers), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S.

<sup>38</sup> Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

<sup>39</sup> Section 1012.56(2)(a)-(f), F.S.

- earn a bachelor's or higher degree from an accredited institution of higher learning<sup>40</sup> or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;<sup>41</sup>
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.<sup>42</sup>

The DOE issues three types of educator certificates:

- Professional Certificate: certifies employment as a full-time educator;<sup>43</sup> valid for five years; and renewable for successive five-year periods.<sup>44</sup>
- Temporary Certificate: certifies employment in full-time positions for which educator certification is required;<sup>45</sup> generally valid for three years; and nonrenewable.<sup>46</sup>
- Athletic Coaching Certificate: certifies full-time and part-time employment as a public school athletic coach.<sup>47</sup> This certification includes two types of athletic coaching certificates: one is valid for five years and may be issued for subsequent five-year periods; the other is valid for three years and may be issued only once.<sup>48</sup>

An applicant seeking a professional certification must:

- meet the basic eligibility requirements for certification;<sup>49</sup>
- demonstrate mastery of general knowledge;<sup>50</sup>
- demonstrate mastery of subject area knowledge;<sup>51</sup> and
- demonstrate mastery of professional preparation and education competence.<sup>52</sup>

An applicant seeking a temporary certification must:

- meet the basic eligibility requirements for certification;<sup>53</sup>
- obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional development certification and education competence demonstration program;<sup>54</sup> and
- do one of the following:

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<sup>40</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Institutional Accrediting Agencies*, available at [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg3.html#RegionalInstitutional](https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional) (last visited Mar. 9, 2023) (list of accrediting agencies approved by the U.S. Department of Education).

<sup>41</sup> Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

<sup>42</sup> Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

<sup>43</sup> Rule 6A-4.004(3), F.A.C.

<sup>44</sup> Section 1012.56(7)(a), F.S.; *see* rule 6A-4.0051(3)(d), F.A.C.

<sup>45</sup> Rule 6A-4.004(1)(a)2., F.A.C.

<sup>46</sup> Section 1012.56(7)(e), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C.

<sup>47</sup> Section 1012.55(2)(a), F.S.

<sup>48</sup> Rule 6A-4.004(5), F.A.C. (validity periods expressed in school fiscal years).

<sup>49</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>50</sup> Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, available at <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Mar. 9, 2023)

<sup>51</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>52</sup> Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, available at <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.stml> (last visited Mar. 9, 2023)

<sup>53</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>54</sup> Section 1012.56(1)(b), F.S.; Rule 6A-4.004(1)(a), F.A.C.

- demonstrate mastery of subject area knowledge,<sup>55</sup> or
- complete the required degree or content courses specified in SBE rule for subject area specialization<sup>56</sup> and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.<sup>57</sup>

The DOE must electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.<sup>58</sup> In addition, the DOE must electronically notify a temporary certificate holder of the date that his or her certificate will expire, at least one year in advance. The notification must include the methods by which the certificate holder can complete the requirements for a professional certificate.<sup>59</sup>

A temporary certificate may be extended by two years if the requirements for the professional certificate, other than the general knowledge requirement, have not been met due to: serious illness or injury of the applicant; military service by the applicant's spouse; or, other extraordinary extenuating circumstances. An extension may also be granted if the certificate holder is rated highly effective in the immediate year's performance evaluation or has completed a two-year mentorship program.<sup>60</sup>

In 2022, the Legislature created an additional pathway to educator certification for military service members by authorizing the DOE to issue a temporary certificate, for a subject area specialization for which the SBE otherwise requires a bachelor's degree, to military service members meeting the following requirements:<sup>61</sup>

- documents 48 months of active-duty military service with an honorable discharge or a medical separation;
- meets minimum eligibility criteria for educator certification with the exception of receipt of a bachelor's degree;
- completes the subject area content requirements specified in the SBE rule or demonstrates mastery of subject area knowledge; and
- completes 60 college credits with a minimum grade point average of 2.5 on a 4.0 scale, as provided by an eligible institution of higher learning.

Veterans attaining a temporary certificate must be assigned a qualified teacher mentor for a minimum of two school years after commencing employment. A temporary certificate for military service members is valid for five years and is nonrenewable.<sup>62</sup>

#### *Renewal of Professional Certificates*

A professional certificated educator must submit an application,<sup>63</sup> pay a fee,<sup>64</sup> and earn at least six college credits or 120 in-service points, or a combination of both, during each five-year validity cycle to

<sup>55</sup> Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge* available at <http://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml>

(last visited Mar. 9, 2023). Each subject area has specific degree or course requirements set in Rule 6A-4, F.A.C.

<sup>56</sup> Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

<sup>57</sup> Section 1012.56(2)(c), F.S.; See Florida Department of Education, *Certificate Types and Requirements*, available at <https://www.fldoe.org/teaching/certification/general-cert-requirements/> (last visited Mar. 9, 2023).

<sup>58</sup> Section 1012.56(1)(b), F.S.

<sup>59</sup> Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

<sup>60</sup> Section 1012.56(7), F.S. (flush-left provisions at the end of subsection).

<sup>61</sup> Section 1012.56(7)(b)2., F.S.

<sup>62</sup> Section 1012.56(7)(e)2., F.S.

<sup>63</sup> Rule 6A-4.0051(3)(c), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

<sup>64</sup> The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(c) and 6A-4.0012(1)(b)1., F.A.C.

renew his or her professional certification.<sup>65</sup> At least three college credits or 60 in-service points must be earned in each subject area for which renewal is sought.<sup>66</sup>

For professional certificates dated on or after July 1, 2020, with specialization areas that include reading instruction or intervention for students in kindergarten through grade 6, educators must complete two college credits or the equivalent amount of in-service points in specific reading instruction and intervention strategies for renewal of coverages specified in the SBE rule.<sup>67</sup>

Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in the SBE rule.<sup>68</sup> Certification by the National Board for Professional Teaching Standards is deemed to meet certification renewal requirements, for the life of the certificate, in the corresponding certification subject area.<sup>69</sup>

### Effect of Proposed Changes

The bill extends the validity of a temporary teaching certificate from three years to five years. However, the bill limits it to one-time issuance; thus, a temporary certificate is non-renewable.

The bill expands eligibility for temporary teaching certification to candidates who are currently enrolled in a state-approved teacher preparation program, are actively completing the required program field experience or internship at a public school, and can provide documentation of completion of 60 college credits with a minimum cumulative grade point average of 2.5 on a 4.0 scale as provided by one or more accredited institutions of higher learning identified by the DOE.

A candidate with a beginning validity date of July 1, 2025, or later, seeking to renew a professional certificate in educational leadership must complete a minimum of one college credit or 20 in-service points in Florida's educational leadership standards. This provision does not add toward the total 120 continuing education or in-service training hours currently required by the department.

## **Professional Development**

### Present Situation

#### *Professional Development Systems*

The School Community Professional Development Act (Act) requires public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations to “work collaboratively to establish a coordinated system of professional development.”<sup>70</sup> The Act provides specific activities the school community should do to increase student achievement, support educators and train teacher mentors.

Each school district professional development system must:<sup>71</sup>

- Be reviewed and approved by the DOE.
- Be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students.

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<sup>65</sup> Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a)1., F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

<sup>66</sup> Section 1012.585(3)(a), F.S.

<sup>67</sup> Section 1012.585(3)(f), F.S.

<sup>68</sup> Section 1012.585(3)(b), F.S. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

<sup>69</sup> Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

<sup>70</sup> Section 1012.98(1), F.S.

<sup>71</sup> Section 1012.98(4)(b), F.S.

- Provide in-service activities coupled with follow up support appropriate to accomplish district-level and school-level improvement goals and standards.
- Provide in-service activities and support targeted to the individual needs of teachers.
- Include a master in-service plan, or professional learning catalog, that identifies the educational training programs that may generate in-service points toward recertification or add-on certification;<sup>72</sup>
- Include in-service activities for school administrative personnel.
- Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.
- Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.
- Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones.
- For middle grades, emphasize interdisciplinary planning, collaboration, instruction, and alignment of curriculum and instructional materials to the state academic standards.
- Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs.

In addition to approving school district professional development systems,<sup>73</sup> the DOE is required to disseminate research-based professional development methods and programs that have demonstrated success in meeting identified student needs. Information must include a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.<sup>74</sup>

### *William Cecil Golden Professional Development Program*

The William Cecil Golden Professional Development Program for School Leaders (school leader program) is a collaborative network of state and national professional leadership organizations for school principals. The school leader program is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers. Professional development provided through the school leader program must be based upon the Florida Principal Leadership Standards and other school leadership standards.<sup>75</sup>

### Effect of Proposed Changes

Traditional professional development is differentiated from professional learning, which is intended to result in system-wide changes in student outcomes. The bill defines professional learning as learning that is aligned to the state's standards for effective professional learning, educator practices, and leadership practices; incorporates active learning; is collaborative; provides models; and is sustained and continuous.

The bill requires the Division of Law Revision to prepare a reviser's bill to replace references to the term "professional development" with the term "professional learning" throughout the Early Learning –

<sup>72</sup> Section 1012.98(4)(b)5., F.S.; Florida Department of Education, *Master Inservice Plans*, available at <http://www.fldoe.org/teaching/professional-dev/master-inservice-plans-mip.stml> (last visited Mar. 9, 2023).

<sup>73</sup> Section 1012.98(4)(b)1., F.S.

<sup>74</sup> Section 1012.98(4)(a)1., F.S.

<sup>75</sup> Section 1012.986, F.S.

20 Education Code<sup>76</sup> to ensure an educational system-wide shift from professional development to professional learning.

The bill specifies criteria which all professional learning in-service activities must align to and clarifies that routine meetings for the purposes of information dissemination that do not align to the established criteria are not eligible for in-service points.

The bill requires explicit training for school administrators to address the updated skills required for instructional leadership and effective school management. The bill provides that school administrators' visits to classrooms to provide mentorship, training, instructional feedback, or professional learning are not a part of the teacher's performance evaluations.

The bill amends the William Cecil Golden Professional Development Program for School Leaders to include instructional coaching as a component to support the professional growth of instructional personnel.

The bill requires the DOE to create a high-quality professional learning marketplace list on a centralized webpage to aid in the identification of high-quality programs and resources that meet the professional learning criteria and have demonstrated success in meeting student achievement needs.

Additionally, DOE must establish a calendar to review and approve all professional learning systems every five years, by March 1, 2024. Any significant changes to the system made within the five-year timeframe must be re-submitted to DOE for review and approval.

The bill authorizes school districts, charter management organizations, and private school consortiums to hire outside professional learning providers to provide in-service training to staff. The bill requires contracted external professional learning providers to have three or more years of experience providing professional learning with demonstrable success in instructional or school administrator growth. The school district, charter management organization, or private school consortium must certify that the provider's in-service activities meet the specified professional learning criteria.

To align with SBE rule, the bill renames the "master in-service plan," which lists all in-service activities from all funding sources, as the "professional learning catalog."

## **Requirements for a High School Diploma**

### Present Situation

In order to be eligible for high school graduation, students must pass the statewide, standardized grade 10 ELA assessment or earn a concordant score on the SAT or ACT<sup>77</sup> and pass the Algebra I EOC assessment or earn a comparative score on the Math section of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), the SAT, the ACT or the Geometry EOC assessment.<sup>78</sup>

A student must successfully complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum to earn a standard high school diploma.<sup>79</sup> The required credits may be earned through equivalent, applied, or integrated courses or career education courses, including work-related internships approved by the SBE and identified in the course code directory.

In order to earn a standard high school diploma, a student must earn:<sup>80</sup>

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<sup>76</sup> Chapters 1000 – 1013, F.S.

<sup>77</sup> Section 1003.4282(3)(a), F.S.; rule 6A-1.09422(8)(a)2., F.A.C.

<sup>78</sup> Section 1003.4282(3)(b), F.S.; rule 6A-1.09422(8)(b)2., F.A.C., (amended on August 18, 2020, to include a comparative score on the Geometry EOC assessment). Since the 2011-2012 school year, a student may also satisfy the Algebra I EOC by earning a comparative score on the Postsecondary Education Readiness Test (PERT). Rule 6A-1.09422(8)(b)1., F.A.C.

<sup>79</sup> Section 1003.4282(1)(a), F.S.

<sup>80</sup> Section 1003.4282(3), F.S.

- Four credits in ELA. The four credits must be in ELA I, II, III, and IV.
- Four credits in mathematics. A student must earn one credit in Algebra I and one credit in Geometry.
- Three credits in science. Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses.
- Three credits in social studies. A student must earn one credit in U.S. History; one credit in World History; one-half credit in economics; and one-half credit in U.S. Government.<sup>81</sup>
- One credit in fine or performing arts, speech and debate or practical arts. The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education.
- Eight credits in electives.

Beginning with the cohort entering grade 9 in the 2023-2024 school year, a student must complete seven and one-half credits in electives and one-half credit in personal financial literacy.<sup>82</sup>

A student who earns credit upon completion of an apprenticeship or pre-apprenticeship program registered with the DOE may use such credit to satisfy the high school graduation credit requirements for fine or performing arts, speech and debate or practical arts, or the credit requirements for electives.<sup>83</sup>

To graduate, a student must complete the listed criteria and earn a cumulative GPA of 2.0 on a 4.0 scale;<sup>84</sup> at least one course must be completed through online learning.<sup>85</sup>

### Effect of Proposed Changes

The bill revises graduation requirements by replacing one credit in practical arts with one credit in career education, beginning with students entering grade 9 in the 2023-2024 school year.

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<sup>81</sup> The U.S. Government course must include a comparative discussion of political ideologies that conflict with the founding principles of the United States. Students enrolled in the U.S. Government course must take a civic literacy assessment identified by the SBE. A passing score satisfies the postsecondary civic literacy assessment requirement and is not required for high school graduation. Section 1003.4282(3)(d), F.S.

<sup>82</sup> Section 1003.4282 (3)(g) and (h), F.S.

<sup>83</sup> Section 1003.4282(8)(a)3., F.S.

<sup>84</sup> Section 1003.4282(6)(a), F.S.

<sup>85</sup> Section 1003.4282(4), F.S.

## Postsecondary General Education Courses

### Present Situation

The DOE is responsible for identifying the degree programs offered by public postsecondary educational institutions.<sup>86</sup> The DOE must identify postsecondary career education programs offered by Florida College System institutions and district school boards, as well as career courses designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.<sup>87</sup>

The chair of the SBE and the chair of the Board of Governors (BOG), or their designees, jointly appoint faculty committees to identify statewide general education core course options. General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The core courses may be revised, or the five-course maximum within each subject area may be exceeded, if approved by the SBE and the BOG, as recommended by the subject area faculty committee and approved by the Articulation Coordinating Committee as necessary for a subject area. Each general education core course option must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course. All public postsecondary educational institutions must accept these courses as meeting general education core course requirements. The remaining general education course requirements are identified by each institution and reported to the DOE by their statewide course number. The general education core course options are adopted in rule by the SBE and in regulation by the BOG.

### Effect of Proposed Changes

The bill requires the SBE and the BOG to identify colleges and universities to develop advanced secondary general education courses and provide training to course instructors. This will provide an opportunity for students to take collegiate-level general education core coursework while in high school.

## Articulated Acceleration

### Present Situation

High school students in Florida have a variety of avenues by which they can earn college credit. These opportunities, known as articulated acceleration mechanisms, shorten the time necessary for a student to complete the requirements for a high school diploma and a postsecondary degree. These mechanisms also allow Florida schools to increase the depth of study in a particular subject and expand available curricular options.<sup>88</sup>

Programs that provide high school students with the opportunity to earn college credit include, but are not limited to, dual enrollment and early admission, credit by examination, advanced placement, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School also provides additional opportunities for early graduation and acceleration.<sup>89</sup>

The DOE annually identifies and publishes the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) subject examination, College Board Advanced Placement Program examination, Advanced International Certificate of Education examination, International Baccalaureate examination, Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT). In addition, the DOE also identifies

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<sup>86</sup> Section 1007.25(1), F.S.

<sup>87</sup> Section 1007.25(2), F.S.

<sup>88</sup> Section 1007.27(1), F.S.

<sup>89</sup> *Id.*

courses in the general education core curriculum of each State University System (SUS) and Florida College System (FCS) institution for which credit is to be granted.<sup>90</sup>

### *Advanced Placement Program*

The College Board's Advanced Placement (AP) Program consists of over 38 rigorous high school courses and nationally standardized examinations in multiple subject areas ranging from art to statistics.<sup>91</sup> Cutoff scores and postsecondary course equivalencies are determined by the Articulation Coordinating Committee (ACC) and approved by the SBE and the BOG.<sup>92</sup> Currently, students may earn college credit only if they receive an examination score of three or higher on a five-point scale.<sup>93</sup> Public school students in Florida are exempt from the payment of any fees associated with the administration of the examinations<sup>94</sup> regardless of whether they achieve a passing score.<sup>95</sup>

### Effect of Proposed Changes

The bill requires that all dual enrollment program courses be age and developmentally appropriate.

The bill authorizes DOE to partner with an independent third-party testing or assessment organization to develop assessments to measure the competencies required for general education core courses in order for students to earn postsecondary credit while in high school. The bill modifies the advanced course options to include the advanced courses created by the FCS and SUS institutions identified by DOE and earn college credit after achieving a minimum score on a postsecondary credit assessment as identified by the DOE.

The bill requires the DOE, in cooperation with the BOG, to issue a report to the Legislature by January 1, 2024, on the alignment between acceleration mechanisms available to secondary students and student success at the postsecondary level. The report must examine, at a minimum, how: acceleration mechanisms align to secondary completion and rates of success; bonuses provided to classroom teachers for completion or passage by students of acceleration courses impact school quality and performance; acceleration mechanisms align to postsecondary completion rates; acceleration course offerings align with general education core courses and reduce time to complete a postsecondary degree; and to improve acceptance of postsecondary credit earned through acceleration courses through agreements with other states.

## **Commission for Independent Education**

### Present Situation

The Commission for Independent Education (commission), within the Department of Education (DOE), is responsible for exercising independently all powers, duties, and functions relating to independent postsecondary educational institutions in consumer protection, program improvement, and licensure for institutions under its purview.<sup>96</sup> An independent postsecondary institution means "any postsecondary educational institution that operates in the state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government."<sup>97</sup>

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<sup>90</sup> Section 1007.27(2), F.S.

<sup>91</sup> Florida Department of Education, *Florida Counseling for Future Education Handbook 2021-2022 Edition*, at 30, (2022), available at [https://dlss.flvc.org/documents/210036/1531784/FCFFE\\_H\\_2021\\_2022.pdf/80ed74c7-21cf-0047-db7f-c8ee3910804d](https://dlss.flvc.org/documents/210036/1531784/FCFFE_H_2021_2022.pdf/80ed74c7-21cf-0047-db7f-c8ee3910804d).

<sup>92</sup> Section 1007.27(2) and (6), F.S.

<sup>93</sup> Section 1007.27(5), F.S.

<sup>94</sup> The College Board, *AP Students Exam Fees*, available at <https://apstudents.collegeboard.org/exam-policies-guidelines/exam-fees> (last visited Mar. 16, 2023).

<sup>95</sup> Section 1007.27(5), F.S.

<sup>96</sup> Section 1005.21(2), F.S.

<sup>97</sup> Section 1005.02(11), F.S.

The commission is comprised of seven members:<sup>98</sup>

- two representatives of independent colleges or universities licensed by the commission;
- two representatives of independent, nondegree-granting schools licensed by the commission;
- one member from a public school district or Florida College System institution who is an administrator of career education;
- one representative of a religious postsecondary institution not subject to oversight by the commission<sup>99</sup>; and
- one lay member who is not affiliated with an independent postsecondary educational institution.

Commission members are appointed to three-year terms by the Governor and are subject to confirmation by the Senate.<sup>100</sup> The commission is required to meet at least four times each fiscal year.<sup>101</sup>

The powers and duties of the commission include:<sup>102</sup>

- holding meetings as necessary to administer its duties;
- annually selecting a chairperson and vice chairperson, appointing and reviewing an executive director, and authorizing the executive director to appoint employees of the commission;
- adopting and using an official seal in the authentication of its acts;
- making rules for its own governance;<sup>103</sup>
- maintaining a record of its proceedings;
- cooperating with other state and federal agencies and other nongovernmental agencies in administering its duties;
- providing cause to be investigated criminal justice information for each owner, administrator, and agent employed by an institution applying for licensure from the commission;
- serving as a central agency for collecting and distributing current information regarding institutions licensed by the commission;
- informing independent postsecondary educational institutions of laws adopted by the Legislature and rules adopted by the State Board of Education (SBE) and the commission and of their responsibility to follow those laws and rules;
- establishing and publicizing the procedures for receiving and responding to complaints from students, faculty, and others concerning institutions or programs under the purview of the commission, and keeping records of such complaints in order to determine the frequency and nature of complaints with respect to the specific institutions of higher education;
- providing annually to the Office of Student Financial Aid Assistance of the DOE information and documentation that can be used to determine an institutions eligibility to participate in state student financial assistance programs;
- coordinating and conveying annual reports to the Commissioner of Education relating to campus crime statistics, assessment of physical plant safety, and the antihazing policies of nonpublic postsecondary educational institutions eligible to receive state-funded student assistance;
- identifying and reporting to the Office of Student Financial Aid Assistance the accrediting associations recognized by the United States (US) DOE which have standards that are comparable to the minimum standards required to operate an institution at that level in this state; and
- assuring that an institution is not required to operate without a current license because of the schedule of commission meetings or application procedures, if the institution has met the commission's requirements for licensure or license renewal.

In addition, the commission has administrative powers and responsibilities, which include:<sup>104</sup>

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<sup>98</sup> Section 1005.21(2), F.S.

<sup>99</sup> Section 1005.06(1)(f), F.S.

<sup>100</sup> Section 1005.21(2), F.S.

<sup>101</sup> Section 1005.21(4), F.S.

<sup>102</sup> Section 1005.22(1)(f)-(o), F.S.

<sup>103</sup> Section 1005.22(1)(a)-(d), F.S.

<sup>104</sup> Section 1005.22(1)(e), F.S.

- adopting rules for the operation and establishment of independent postsecondary educational institutions and submitting rules to the SBE for approval;
- submitting an annual budget to the SBE;
- transmitting all fees, donations, and other monies to the Institutional Assessment Trust Fund; and
- expending funds as necessary to assist in the application and enforcement of all powers and duties.

The Chief Financial Officer is required to pay out all moneys and funds as directed upon vouchers approved by the DOE for all lawful purposes necessary to the commission's administration. The commission is required to make annual reports to the SBE showing in detail amounts received and all expenditures. The commission must include in its annual report to the SBE a statement of its major activities during the period covered by the report.<sup>105</sup>

### Effect of Proposed Changes

The bill expands the commission's powers and duties to include the authority to examine and investigate the affairs of every person, entity, or independent postsecondary institution within its respective regulatory jurisdiction, in order to determine whether the person, entity, or independent postsecondary institution is operating in accordance with the law or has been or is engaged in any unfair or deceptive act or practice prohibited by the fair consumer practices section of law.

## **Fair Consumer Practices**

### Present Situation

Annually, private, not-for-profit postsecondary institutions located and chartered in the state of Florida, which are exempt from licensure, collect and disclose information relating to fair consumer practices. The institutional requirements relating to fair consumer practices include:<sup>106</sup>

- disclosing to each prospective student a statement of purpose that includes educational programs and curricula, a description of the physical facilities, licensure status, and fee schedule and related policies at least one week prior to enrollment or collection of tuition;
- assessing, prior to accepting a student, the student's ability to complete a course of study successfully;
- accurately informing each student about financial assistance and obligations for repayment of loans, describing any employment placement services available, and refraining from promising or implying guaranteed placement, market availability or salary amounts;
- providing prospective and enrolled students accurate information regarding the relationship of its programs to state licensure requirements for practicing related occupations and professions in Florida;
- ensuring all advertisements are accurate and not misleading;
- publishing and following an equitable prorated refund policy for all students and following both the federal guidelines regarding the receipt of federal financial assistance and commission rule regarding minimum refund guidelines;
- following the requirements of state and federal laws requiring annual reporting of crime statistics and physical plant safety; and
- publishing and following procedures for handling student complaints, disciplinary actions and appeals.

In addition, institutions that are required to be licensed by the commission must disclose to prospective students that additional information regarding the institution may be obtained by contacting the commission.<sup>107</sup>

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<sup>105</sup> Section 1005.22(1)(e)4., F.S.

<sup>106</sup> Section 1005.04(1), F.S.

<sup>107</sup> Section 1005.04(2), F.S.

## Effect of Proposed Changes

The bill expands upon the provisions of fair consumer practices to include that prior to enrollment, every institution that is under the jurisdiction of the commission as well as those expressly exempt from the jurisdiction of the commission that directly or indirectly solicits enrollment must provide a written disclosure to a student or prospective student, that includes: all fees and costs that will be incurred by a student; the institution's refund policy; any exit examination requirements; and the grade point average required for completion of the student's program or degree. The disclosure must include a statement regarding the scope of accreditation, if applicable. The commission is required to prescribe the format that institutions must use to disclose the required information.

The bill requires the person, entity, or institution asserting compliance to bear the burden of demonstrating compliance with fair consumer practices. The commission is responsible for determining compliance with fair consumer practices. The commission has the authority to request additional evidence and conduct further investigations, in addition to any information submitted, as the commission deems necessary.

## **Licensure of Institutions**

### Present Situation

All postsecondary institutions under the jurisdiction or purview of the commission must obtain licensure from the commission in order to operate in the state of Florida.<sup>108</sup> The commission is responsible for developing minimum standards by which to evaluate institutions for licensure. These standards must include, at least, the institution's name, financial stability, purpose, administrative organization, admissions and recruitment, educational programs and curricula, retention, completion, career placement, faculty, learning resources, student personnel services, physical plant and facilities, publications and disclosure statements about the status of the institution with respect to professional certification and licensure.<sup>109</sup>

Approved-applicant status may be extended to all institutions that have submitted a complete application for provisional licensure and paid all attendant fees. Institutions granted approved-applicant status may not advertise, offer programs of study, collect tuition or fees, or engage in any other activities not specifically approved by the commission.<sup>110</sup>

When the commission determines that an applicant for initial licensure is in substantial compliance with the licensure standards, provisional licensure is granted for a period not to exceed one year. A provisional license issued for initial licensure may be extended for up to one year. A licensed institution that has undergone a substantive change, as defined by rule, must be granted a provisional license for a set period of time, after which the institution may apply for a different status. A provisional license may include commission-mandated conditions, and all conditions must be met before the institution can be granted a different licensure status.<sup>111</sup>

The commission must ensure, through an investigative process, that applicants for licensure meet the specified standards and may issue a licensure delay if this investigative process is not completed within the statutory limits of the Administrative Procedures Act.<sup>112</sup> Agencies must provide notice of any apparent errors or omissions in an application for licensure within 30 days.<sup>113</sup> The law also prohibits the denial of an application for failure to correct an error or omission if the appropriate 30 day notification is not provided.<sup>114</sup> An application for a license must be approved or denied within 90 days after receipt of

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<sup>108</sup> Sections 1005.31(1)(a) and 1005.06(1), F.S.

<sup>109</sup> Section 1005.31(2), F.S.

<sup>110</sup> Section 1005.31(4), F.S.

<sup>111</sup> Section 1005.31(5), F.S.

<sup>112</sup> Section 1005.31(6), F.S.

<sup>113</sup> Section 120.60, F.S.

<sup>114</sup> *Id.*

a completed application.<sup>115</sup> Through an investigation, the commission must ensure that applicants for licensure meet all standards. When the investigation is not completed within 90 days and the commission has reason to believe that the applicant does not meet licensure standards, the commission or the commission's executive director may issue a 90-day licensure delay, which must be in writing and sufficient to notify the applicant of the reason for the delay.<sup>116</sup>

An annual license must be granted to an institution holding a provisional license, or seeking a renewal of an annual license, upon demonstrating full compliance with licensure standards. An annual license may be extended for up to 1 year if the institution meets all requirements for an extension.<sup>117</sup>

An institution may not conduct a program unless specific authority is granted in its license. A license granted by the commission is not transferable to another institution or to another agent, and an institution's license does not transfer when the institution's ownership changes.<sup>118</sup> A licensed institution must notify the commission prior to a change of ownership or control.

An independent postsecondary educational institution or any person acting on behalf of such an institution may not publish any advertisement soliciting students or offering a credential before the institution is duly licensed by the commission or while the institution is under an injunction against operating, soliciting students, or offering an educational credential.<sup>119</sup>

Independent postsecondary educational institutions may apply for a license by means of accreditation from the commission if the institution:<sup>120</sup>

- has operated legally in the state for at least 5 consecutive years;
- holds institutional accreditation by an accrediting agency evaluated and approved by the commission as having standards substantially equivalent to the commission's licensure standards;
- has no unresolved complaints or actions in the past 12 months;
- meets minimum requirements for financial responsibility as determined by the commission; and
- is a Florida corporation.

An institution that is granted a license by means of accreditation is required to apply for and receive another level of licensure before the institution may offer courses or programs that exceed the scope of level of its accreditation.<sup>121</sup> In addition, institutions granted a license by means of accreditation must comply with the standards of fair consumer practices as established in rule by the commission.<sup>122</sup>

A license by means of accreditation may be denied, placed on probation, or revoked for repeated failure to comply with the requirements in law. Revocation or denial of a license by means of accreditation requires that the institution must immediately obtain an annual license.<sup>123</sup>

### Effect of Proposed Changes

The bill expands the minimum standards by which the commission must evaluate institutions for licensure to include a retention and completion management plan. In addition, the standard relating to admissions and recruitment must include, but is not limited to, requirements for verification of high school graduation, high school equivalency, or qualifying scores on an ability-to-benefit test.

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<sup>115</sup> *Id.*

<sup>116</sup> Section 1005.31(6), F.S.

<sup>117</sup> Section 1005.31(7).

<sup>118</sup> Section 1005.31(8)-(9), F.S.

<sup>119</sup> Section 1005.31(10), F.S.

<sup>120</sup> Section 1005.32(1)(a)-(e), F.S.

<sup>121</sup> Section 1005.32(4), F.S.

<sup>122</sup> Section 1005.32(5), F.S.

<sup>123</sup> Section 1005.32(7), F.S.

Under the bill, the commission may require a licensed institution to submit a management plan, prohibit a licensed institution from enrolling new students in the institution or a program of the institution, or limit the number of students in a program at a licensed institution, based upon the following:

- the institution's performance on the licensure standards or established criteria;
- the placement of the institution or a program of the institution on probation or the imposition of other adverse actions by the commission, an accrediting agency, or other regulatory agency, including the US DOE; or
- similar circumstances that leave the institution unable to meet the needs of students or prospective students.

The bill establishes accountability requirements for commission-licensed institutions. The commission must prepare an annual accountability report for the licensed institutions by June 30, 2024, and by March 15 of each year thereafter. At a minimum, the report must include graduation rates for all licensed institutions, as well as the number of graduates by program, retention rates, and placement rates.

Under the bill, by March 1, 2024, and by November 30 of each year thereafter, each licensed institution is required to provide data to the commission in the commission's prescribed format. Placement rates will be determined using Florida Education and Training Placement Information Program methodology. The commission is required to establish a common set of data definitions consistent with those used by this state for institutional reporting purposes. When a licensed institution fails to submit required data to the commission on time, the commission will impose an administrative fine of up to \$1,000 per infraction. Administrative penalties will be paid to the Student Protection Fund.

The bill provides the commission authority to require licensed institutions to provide institutional, graduate, and student data through reasonable data collection efforts as required or necessitated by statute, rule, or for the purposes of other executive agencies, the legislature, or the judiciary.

The bill provides the commission authority to establish performance benchmarks for the identification of high-performing licensed institutions in rule.

The bill specifies that an institution may not conduct a program unless specific authority is granted in its license. All programs offered by a licensed institution must be recognized and licensed by the commission, including, but not limited to:

- avocational programs or courses;
- examination preparation programs or courses;
- contract training programs or courses;
- continuing education; or
- professional development programs or courses.

The bill requires institutions to obtain accreditation before applying for commission approval to offer a prelicensure professional nursing program.

The bill requires every independent postsecondary institution under the commission's jurisdiction that offers degree-granting programs at the Associate level or higher to obtain and maintain institutional accreditation within seven years of initial licensure. Failure to comply will result in disciplinary action, up to and including revocation of institutional licensure and barring the principals from operating the subject institution or other institutions in the state. The bill provides currently licensed institutions, five years from the bill's effective date, to comply with the accreditation requirement.

The bill requires the commission to adopt rules to implement accreditation requirements and programmatic licensure.

The bill provides the commission authority to require an institution applying for initial licensure to provide an assurance of financial stability. The assurance of financial stability must remain in effect until the institution applies for and receives the first annual licensure renewal and demonstrates financial stability as determined by the commission. The commission may require a surety bond, cash deposited into an escrow account, or an irrevocable letter of credit as assurance of financial stability. The form

and content of the assurance of financial stability must be approved by the commission and all payments made must be deposited into a separate account within the Institutional Assessment Trust Fund.

The bill specifies that the commission will be paid an assurance of financial stability in an amount sufficient to pay for or subsidize the following costs, as determined by the commission:

- The costs of providing instructors and facilities to complete the training of students enrolled at a licensed institution at the time the institution ceases to operate. This includes, but is not limited to, the costs to the institution associated with reimbursing the Student Protection Fund for expenditures.
- The costs of evaluating, storing, and maintaining student records.

The bill provides the commission authority to establish rules to implement the assurance of financial stability requirements.

## **School Grades**

### Present Situation

School grades are used to define a school's performance in a familiar, easy-to-understand manner for parents and the public. School grades are also used to determine whether a school must select or implement a turnaround option.<sup>124</sup>

Schools are graded using one of the following grades:<sup>125</sup>

- "A" for schools making excellent progress – 62 percent or higher of total points.
- "B" for schools making above average progress – 54 percent to 61 percent of total points.
- "C" for schools making satisfactory progress – 41 percent to 53 percent of total points.
- "D" for schools making less than satisfactory progress – 32 percent to 40 percent of total points.
- "F" for schools failing to make adequate progress – 31 percent or less of total points.

Each school must assess at least 95 percent of its eligible students. Each school must receive a school grade based on the school's performance on the following components, each worth 100 points:<sup>126</sup>

- The percentage of eligible students passing statewide, standardized assessments in ELA;
- The percentage of eligible students passing statewide, standardized assessments in mathematics;
- The percentage of eligible students passing statewide, standardized assessments in science;
- The percentage of eligible students passing statewide, standardized assessments in social studies;
- The percentage of eligible students who make Learning Gains in ELA as measured by statewide, standardized assessments;
- The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments;
- The percentage of eligible students in the lowest 25 percent in ELA, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized ELA assessments;
- The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments; and
- 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

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<sup>124</sup> Section 1008.33(4), F.S. As the state transitions to a new progress monitoring system, schools will be held harmless for the 2022-2023 school year grades. Once learning gains can be calculated following the 2023-2024 school year, the SBE must evaluate the school grading scale to determine if the scale should be adjusted. Section 1008.34(7), F.S.

<sup>125</sup> Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

<sup>126</sup> Section 1008.34(3)(b)1.a.-i., F.S.

or attaining national industry certifications identified in the Career and Professional Education (CAPE) Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade is also based on the following components, each worth 100 points:<sup>127</sup>

- The four-year high school graduation rate of the school.
- The percentage of students who:
  - were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, including career dual enrollment courses resulting in the completion of 300 or more clock hours during high school or Advanced International Certificate of Education examinations;
  - at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List; or
  - beginning with the 2022-2023 school year, earned an Armed Services Qualification Test score that falls within Category II or higher on the Armed Services Vocational Aptitude Battery and earned a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.

### Effect of Proposed Changes

Beginning in Fiscal Year 2023-2024, the bill adds an additional measure to the school grades formula to include the percentage of eligible students who earn an achievement level three or higher on the grade 3, standardized ELA assessment. Additionally, for a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the bill modifies one of the school grade components, the percentage of students who were eligible to earn college and career credit, by including students who are eligible to earn postsecondary credit through assessments identified by the DOE.

## **Nationally Recognized High School Assessments**

### Present Situation

In 2021, the Legislature enacted a law requiring each school district, subject to an appropriation, to select either the SAT or ACT for administration to all grade 11 students, including students attending public high schools, alternative high schools, and Department of Juvenile Justice education programs.<sup>128</sup> Priority funding is given to students on the direct certification list or if the student's household income level does not exceed 185 percent of the federal poverty level.<sup>129</sup>

For the past two years, the Legislature has appropriated each year \$8 million to fund either the SAT or ACT administration for all grade 11 students.<sup>130</sup>

### Effect of Proposed Changes

The bill expands eligible nationally recognized high school assessments that may be administered by school districts to students in grade 11 grade, to include the Classical Learning Test (CLT). See Florida Bright Futures Scholarship Program section for a description of the CLT.

## **The Florida Partnership for Minority and Underrepresented Student Achievement**

### Present Situation

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<sup>127</sup> Section 1008.34(3)(b)2.a.-b., F.S.

<sup>128</sup> Ch. 2021-157, L.O.F., *codified at* s. 1008.22(3)(c), F.S. The ACT and SAT are two of several entrance exams used by colleges and universities to make admissions decisions.

<sup>129</sup> Specific Appropriation 135, Ch. 2022-156. L.O.F.

<sup>130</sup> *Id.* Specific Appropriation 135, Ch. 2021-157, L.O.F.

In 2004, the Legislature passed the Florida Partnership for Minority and Underrepresented Student Achievement (partnership) Act<sup>131</sup> recognizing the importance of not only access to college but also success in college for all students. The intent of the partnership is to ensure that every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a particular focus on access to advanced courses, with a particular focus on minority students and students who are underrepresented in postsecondary education.<sup>132</sup> The DOE may contract for operation of the partnership.<sup>133</sup>

In order to prepare, inspire and connect students to postsecondary success and opportunity, public high schools must provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or the PreACT to all enrolled grade 10 students. However, a written notice must be provided to each parent which must include the opportunity to exempt his or her child from taking the PSAT/NMSQT or the PreACT.<sup>134</sup> Test results from these assessments are used by certified school counselors to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

The partnership is responsible for:

- Providing teacher training and professional development on AP or other advanced courses.
- Providing to middle school teachers and administrators professional development to prepare students to enter high school ready to participate in advanced courses.
- Providing teacher training and materials that are aligned with the State Standards and are consistent with best theory and practice regarding multiple learning styles and research on learning, instructional strategies, instructional design, and classroom assessment.
- Providing assessment of individual strengths and weaknesses as related to potential success in AP or other advanced courses and readiness for college.
- Providing college entrance exam preparation.
- Considering ways to incorporate Florida College System institutions in the mission of preparing all students for postsecondary success.
- Providing a plan for communication and coordination of efforts with the Florida Virtual School's provision of online AP or other advanced courses.
- Working with school districts to identify minority and underrepresented students for participation in AP or other advanced courses.
- Working with school districts to provide information to students and parents that explains available opportunities for students to take AP and other advanced courses and that explains enrollment procedures that students must follow to enroll in such courses.
- Providing information to students, parents, teachers, counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or the PreACT administration.
- Cooperating with the DOE to provide information to administrators, teachers, and counselors, whenever possible, about partnership activities, opportunities, and priorities.

### Effect of Proposed Changes

The bill requires the SBE and the BOG to identify colleges and universities to develop and provide teacher training and professional development for advanced courses in order to prepare students for success on advanced course assessments that lead to postsecondary credit and mastery of postsecondary general education core courses.

### **Florida Bright Futures Scholarship Program**

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<sup>131</sup> Ch. 2004-63, L.O.F.

<sup>132</sup> Section 1007.35(2), F.S.; See Florida Department of Education, *Annual Evaluation Report for Florida Partnership 2021-2022* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/19912/urlt/FLPAER2122.pdf> (last viewed Apr. 6, 2023).

<sup>133</sup> Section 1007.35(3), F.S.

<sup>134</sup> Section 1007.35(4) and (5), F.S. Public school districts must choose either the PSAT/NMSQT or the PreACT for districtwide administration. Funding for the PSAT/NMSQT or the PreACT for all 10th grade students is contingent upon annual funding in the General Appropriations Act.

## Present Situation

### *Bright Futures Eligibility*

The Florida Bright Futures Scholarship Program is a lottery-funded scholarship program for Florida high school graduates who merit high academic achievement and enroll in a degree, certificate, or applied technology program at an eligible Florida public or private postsecondary education institution.<sup>135</sup> There are four awards through the Florida Bright Futures Scholarship program, including the Florida Academic Scholarship (FAS), the Florida Medallion Scholarship (FMS), the Florida Gold Seal CAPE Scholarship, and the Florida Gold Seal Vocational Scholarship.<sup>136</sup>

Florida high school students who wish to qualify for the FAS award or the FMS award must meet the following initial eligibility requirements:

- graduate high school from a Florida public high school with a standard Florida high school diploma, graduate from a registered Florida DOE private high school, earn a GED, complete a home education program, or graduate from a non-Florida high school if specific conditions are met;
- complete the required high school coursework;
- achieve the required minimum high school grade point average (GPA);
- achieve the required minimum score on either the ACT or SAT college entrance exam by June 30 of high school graduation year;<sup>137</sup>
- complete the required number of volunteer service or 100 paid work hours; and
- submit a Florida Financial Aid Application no later than August 31 after high school graduation.<sup>138</sup>

| Type of Award              | High School Weighted Bright Futures GPA | College Entrance Exams by High School Graduation Year (ACT/SAT) <sup>139</sup> |
|----------------------------|---|--|
| Florida Academic Scholars  | 3.50 <sup>140</sup>                     | 2022-23 Graduates<br>29/1330   |
|                            |   | 2023-24 Graduates<br>29/1340   |
| Florida Medallion Scholars | 3.00 <sup>141</sup>                     | 2022-23 Graduates<br>25/1210   |
|                            |   | 2023-24 Graduates<br>25/1210   |

The DOE is required to develop a method for determining the required examination scores students must earn on college entrance exams and ensure the scores are equivalent between the SAT and ACT. The ACT scores are made concordant to the required SAT scores using the latest published national concordance table developed jointly by the College Board and ACT, Inc.<sup>142</sup>

<sup>135</sup> Section 1009.53(1), F.S.

<sup>136</sup> Section 1009.53(2), F.S.

<sup>137</sup> To ensure that the required examination scores represent top student performance and are equivalent across assessments, the DOE is responsible for developing a method for determining the required examination scores. Section 1009.531(6)(c), F.S.

<sup>138</sup> Florida Student Financial Aid, *Florida Bright Futures Student Handbook* (2022), at 3, available at <https://www.floridastudentfinancialaid.org/PDF/BFHandbookChapter1.pdf> (last viewed Apr. 6, 2023).

<sup>139</sup> The DOE sets the required scores every two years pursuant to s. 1009.531(6)(c), F.S. See Rule 6A-20.028, F.A.C. See *supra*, note 164.

<sup>140</sup> Section 1009.534(1)(a), F.S.

<sup>141</sup> Section 1009.535(1)(a), F.S.

<sup>142</sup> Section 1009.531(6), F.S.

The minimum required SAT score for FAS is set at the 89<sup>th</sup> national percentile, and the minimum required SAT score for FMS is set at the 75<sup>th</sup> national percentile. The minimum ACT scores are concordant to the bottom of the SAT score ranges for FAS and FMS eligibility, respectively.<sup>143</sup>

The SAT registration fee is \$60.<sup>144</sup> The cost to take ACT-no writing is \$66, and ACT-with writing is \$91.<sup>145</sup>

In the 2021-2022 academic year, 119,837 students received a disbursement from the Florida Bright Futures Scholarship and disbursements totaled \$604,682,656.<sup>146</sup>

*Student Volunteer Requirements for the Florida Bright Futures Scholarship Program*

Each award from the Bright Futures Scholarship Program requires a student to complete a specified number of hours of volunteer service work to be eligible to receive a scholarship award. A student must meet the following service requirements:

| Bright Futures Scholarship Program | Required Service Hours <sup>147</sup>        |
|------------------------------------|--|
| FAS                                | 100 volunteer or paid work hours             |
| FMS                                | 75 volunteer hours or 100 paid work hours    |
| FGSV                               | 30 volunteer hours or 100 hours of paid work |
| FGSC                               | 30 volunteer hours or 100 hours of paid work |

The student’s volunteer service work or paid work must be approved by the district school board, the administrators of a nonpublic school, or the DOE for home education students.<sup>148</sup>

Each district school board and the administrators of a nonpublic school must establish approved activities and the process for documentation of service hours, including the deadline by which the hours must be completed.<sup>149</sup> Service work may include, but is not limited to, a business or governmental internship, work for a nonprofit community service organization, or activities on behalf of a candidate for public office.<sup>150</sup> Except for credit earned through service-learning courses,<sup>151</sup> the student may not receive payment or academic credit for service work performed.<sup>152</sup>

The hours earned by a student must be documented in writing, signed by the student and the student’s parent or guardian, and a representative of the organization where the work was performed.

In addition to the service hours, a student must identify a social or civic issue or a professional area that interests him or her, develop a plan for their personal involvement in addressing the issue or learning

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<sup>143</sup> *Id.*  
<sup>144</sup> The College Board, SAT Suite of Assessments, *Test Fees*, available at <https://satsuite.collegeboard.org/sat/registration/fees-refunds/test-fees> (last visited Apr. 6, 2023).  
<sup>145</sup> ACT, *Current ACT Fees and Services*, available at <https://www.act.org/content/act/en/products-and-services/the-act/registration/fees.html> (last visited Apr. 6, 2023).  
<sup>146</sup> Florida Student Financial Aid, *Florida Bright Futures Student Counts and Total Costs, Report A*, available at <https://www.floridastudentfinancialaids.org/PDF/PSI/BFReportsA.pdf>.  
<sup>147</sup> Sections 1009.534(1), 1009.535(1), 1009.536(1)(e), F.S.  
<sup>148</sup> *Id.*  
<sup>149</sup> 2021-22 Bright Futures Student Handbook, *Chapter 1: Initial Eligibility Requirements* (Aug. 5, 2021), at 4 and 6-7, available at <https://www.floridastudentfinancialaids.org/PDF/BFHandbookChapter1.pdf>.  
<sup>150</sup> *Id.*  
<sup>151</sup> Section 1003.497, F.S.  
<sup>152</sup> *Supra* note 176.  
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more about the area, and, through papers or presentations, evaluate and reflect upon his or her experience.<sup>153</sup>

### *Classic Learning Test*

The Classic Learning Test (CLT) is a college entrance exam that offers assessments that evaluate English, grammar, and mathematical skills, providing a comprehensive measure of achievement and aptitude. The CLT exams emphasize foundational critical thinking skills and are accessible to students from a variety of educational backgrounds. The “classic” in Classic Learning Test refers to the use of classic literature and historical texts for the reading selections on the exams.<sup>154</sup>

The CLT uses a number system called a scaled score with a scale that ranges from 0 to 120. Each of three sections (Verbal Reasoning, Grammar/Writing, and Quantitative Reasoning) are scored out of 40. The cost to take CLT is \$54.<sup>155</sup>

Florida postsecondary institutions that accept the CLT as a college entrance exam include: Reformation Bible college, Pensacola Christian college, Trinity Baptist College, Ave Maria University, Florida College, Stetson University, Saint Leo University, Trinity College of Florida, Palm Beach Atlantic University, Warner University, and Southeastern University.<sup>156</sup>

### Effect of Proposed Changes

The bill expands eligible assessments students may take to earn a Florida Academic Scholars award and a Florida Medallion Scholars award, under the Bright Futures Scholarship Program, adding the Classical Learning Test (CLT).

The bill requires the ACT and CLT scores be made concordant to the required SAT scores, using the latest published national concordance table developed jointly by the College Board, ACT, Inc., and Classical Learning Initiatives.

The bill changes the volunteer and work requirements for the Bright Futures Scholarship Program to include volunteer service, paid work, or a combination for FAS, FMS, FGSV, and FGSC. Eligible paid work completed on or after June 27, 2022 must be included in a student's total number of required paid work hours. Furthermore, the bill provides retroactive authority for students to include paid work completed on or after June 27, 2022 in the student's total of required paid work hours.

## B. SECTION DIRECTORY:

- Section 1.** Amending s. 1002.42, F.S., conforming a cross reference.
- Section 2.** Amending s. 1003.4282, F.S., revising a graduation requirement for certain students.
- Section 3.** Amending s. 1004.04, F.S., revising the core curricula for certain teacher preparation programs.
- Section 4.** Amending s. 1004.85, F.S., revising terminology; deleting a requirement that certain certification programs be previously approved by the Department of Education; revising requirements for certain competency-based programs; revising requirements for certain

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<sup>153</sup> *Id.*

<sup>154</sup> CLT, *What is the Classic Learning Test (CLT)?*, available at <https://www.cltexam.com/> (last visited Apr. 6, 2023).

<sup>155</sup> CLT, *Frequently Asked Questions*, available at <https://www.cltexam.com/faqs/> (last visited Apr. 6, 2023).

<sup>156</sup> CLT, *Find a Partner College - FL*, available at <https://www.cltexam.com/colleges/> (last visited Apr. 6, 2023).

teacher preparation field experience; revising requirements for participants in certain teacher preparation programs; requiring the State Board of Education to adopt specified rules relating to the continued approval of certain teacher preparation programs rather than by a determination of the Commissioner of Education.

- Section 5.** Amending s. 1005.04, F.S., requiring certain institutions to include specified information relating to student fees and costs in a disclosure to prospective students; requiring institutions to provide information affirmatively demonstrating compliance with fair consumer practice requirements.
- Section 6.** Amending s. 1005.11, F.S., requiring the Commission for Independent Education to annually prepare an accountability report by a specified date; providing requirements for such report; requiring licensed institutions to annually provide certain data to the commission by a specified date; providing requirements for determination of a specified rate; requiring the commission to establish a common set of data definitions; requiring the commission to impose administrative fines for an institution that fails to timely submit the data; providing requirements for such fines; providing authority for the commission to require certain data reporting by certain institutions; authorizing the commission to establish certain benchmarks by rule; providing for the designation of certain licensed institutions as high performing.
- Section 7.** Amending s. 1005.22, F.S., revising the powers and duties of the commission.
- Section 8.** Amending s. 1005.31, F.S., revising the commission's evaluation standards for licensure of an institution; authorizing the commission to prohibit the enrollment of new students, or limit the number of students in a program at, a licensed institution under certain circumstances; authorizing the commission to take specified actions relating to licensed institutions.
- Section 9.** Amending s. 1005.335, F.S., requiring all programs at licensed institutions to be specifically licensed; authorizing the commission to require institutional accreditation prior to licensure of prelicensure professional nursing programs; requiring certain institutions to obtain and maintain accreditation within a specified time period; requiring the commission to adopt rules.
- Section 10.** Creating s. 1005.345, F.S., authorizing the commission to require certain institutions to provide an assurance of institution's financial stability; providing requirements for such assurances; requiring the commission to adopt rules.
- Section 11.** Amending s. 1007.27, F.S., revising the articulated acceleration mechanisms available to certain students; requiring the State Board of Education and the Board of Governors to identify Florida College System institutions and state universities to develop certain courses and provide specified training; requiring the Department of Education to take specified actions relating to certain courses; authorizing the department to partner with specified organizations to develop certain assessments; providing for the award of credit to certain students; requiring the department to provide a report to the Legislature by a specified date; providing requirements for such report.
- Section 12.** Amending s. 1007.271, F.S., requiring dual enrollment courses to be age and developmentally appropriate.
- Section 13.** Amending s. 1007.35, F.S., revising the responsibilities of the Florida Partnership for Minority and Underrepresented Student Achievement; conforming provisions to changes made by the bill.
- Section 14.** Amending s. 1008.22, F.S., authorizing school districts to select the Classic Learning Test for an annual districtwide administration for certain students.

- Section 15.** Amending s. 1008.34, F.S., revising the calculation of school grades for certain schools.
- Section 16.** Amending s. 1009.531, F.S., authorizing students to earn a concordant score on the Classic Learning Test to meet the initial eligibility requirements for the Florida Bright Futures Scholarship Program.
- Sections 17-19** Amending ss. 1009.534, 1009.535, and 1009.536, F.S., authorizing students to use a combination of volunteer service hours and paid work hours to meet certain program eligibility requirements; providing that paid work hours completed on or after a specified date shall be used to meet certain program eligibility requirements.
- Section 20.** Amending s. 1012.34, F.S., providing school administrators are not precluded from taking specified actions.
- Section 21.** Amending s. 1012.56, F.S., revising requirements for a person seeking an educator certification; revising criteria for the award of a temporary certificate; revising the validity period for certain temporary certificates; deleting provisions relating to the Department of Education's ability to extend the validity period of certain temporary certificates; revising the requirements for the approval and administration of such programs; establishing professional education competency programs; requiring school districts to develop and maintain such a program; authorizing private schools and state-supported schools to develop and maintain such a program.
- Section 22.** Amending s. 1012.57, F.S., conforming cross-reference.
- Section 23.** Amending s. 1012.575, F.S., conforming cross-reference.
- Section 24.** Amending s. 1012.585, F.S., requiring certain applicants for the renewal of a professional certificate to earn specified college credit or in-service points; providing requirements for such credit or points.
- Section 25.** Amending s. 1012.586, F.S., conforming a cross-reference.
- Section 26.** Amending s. 1012.98, F.S., defining the term "professional learning"; prohibiting specified meetings from being considered professional learning and eligible for in-service points; providing and revising requirements for certain professional learning activities; revising Department of Education and school districts duties relating to such activities; providing requirements for entities contracted with to provide professional learning services and in-service education for school districts.
- Section 27.** Amending s. 1012.986, F.S., renaming the "William Cecil Golden Professional Development Program for School Leaders" as the "William Cecil Golden Professional Learning Program for School Leaders"; revising the goal of the program.
- Section 28.** Providing a directive to the Division of Law Revision.
- Section 29.** Providing an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:  
None.

2. Expenditures:  
See Fiscal Comments.

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

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

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

None.

**D. FISCAL COMMENTS:**

There is a fiscal impact associated with the expansion of postsecondary credit pathways and incentives for school districts and teachers:

- The bill requires the DOE to identify Florida College System institutions and state universities to develop advanced secondary courses and provide teacher training for the instruction of these courses. The DOE estimates a fiscal impact of \$2.5 million associated with this requirement.
- The bill also authorizes DOE to partner with a third-party assessment organization to develop assessments to measure the competencies of the advanced courses developed by the identified colleges and universities. The DOE estimates a fiscal impact \$1.0 million to develop the assessments. HB 5001, the House's General Appropriations Act (GAA) for Fiscal Year (FY) 2023-2024 does not include an appropriation for either of these two issues at this time.

The bill requires DOE to provide a report to the Legislature on secondary acceleration mechanisms and how they align with postsecondary student success. The additional workload associated with this new report will be absorbed within existing resources.

The bill authorizes students to take the Classic Learning Test to meet the initial eligibility requirements for the Bright Futures Scholarship Program. Students must earn a concordant score on this exam, and this exam has a price that is comparable with other exam options. Additionally, the bill provides students additional flexibility for earning volunteer or work hours for eligibility, allowing them to combine hours earned regardless of the which option was used to earn them. There is no estimated fiscal impact to the Bright Futures Scholarship Program as a result of these provisions.

### **III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

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

**B. RULE-MAKING AUTHORITY:**

The bill requires the SBE to adopt rules for the review and approval of educator preparation institutes and Professional Learning Certification Programs.

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

None.

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 22, 2023, the Education Quality Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from HB 1537 in the following ways:

- requires that all dual enrollment program courses be age and developmentally appropriate;
- requires the DOE to partner with colleges and universities to develop advanced courses and provide teacher training for such courses;
- requires the DOE to develop new assessments to measure the competencies required for general education core courses in order for students to earn postsecondary credit while in high school;
- expands the advanced course options, allowing students to take collegiate-level general education core coursework and earn college credit after passing the associated advanced course assessment established by the DOE;
- requires the SBE and the BOG to identify colleges and universities to develop secondary general education courses and provide training to course instructors;
- authorizes the DOE to partner with an independent third-party testing or assessment organization to develop assessments that measure competencies consistent with the required course competencies identified by the ACC for general education core courses;
- requires postsecondary credit to be limited to students who achieve a minimum score on a postsecondary credit assessment as identified by the DOE;
- expands eligible nationally recognized high school assessments that may be administered by school districts to students in 11<sup>th</sup> grade, to include the CLT;
- expands eligible assessments students may take to earn a FAS Award and FMS award, under the Bright Futures Scholarship Program, adding the CLT;
- requires the DOE to develop a method for determining the required examination scores students must earn on the CLT assessment and ensure the scores are concordant to those of the SAT and ACT;
- requires the ACT and CLT scores be made concordant to the required SAT scores, using the latest published national concordance table developed jointly by the College Board, ACT, Inc., and Classical Learning Initiatives;
- requires the DOE, through the Florida Partnership for Minority and Underrepresented Student Achievement, to provide teacher training and professional development for all advanced courses in order to prepare students for success on advanced course assessments that lead to postsecondary credit and mastery of postsecondary general education core courses;
- provides 0.16 additional FTE for students earning postsecondary credit through advanced courses who attain the minimum assessment score, as established by the DOE;
- requires school districts to allocate at least 80 percent of the funds provided to the district for advanced course instruction to the high school that generate the funds;
- provides bonuses under specific criteria for classroom teachers who provide advanced course instruction;
- modifies one of the school grade components, the percentage of students who were eligible to earn college and career credit, by including students who are eligible to earn postsecondary credit through assessments identified by the DOE; and
- requires the DOE, in cooperation with the BOG, to issue a report to the Legislature by January 1, 2024, on the alignment between acceleration mechanisms available to secondary students and student success at the postsecondary level.

The bill analysis is drafted to the committee substitute adopted by the Education Quality Subcommittee.

On April 12, 2023, the Appropriations Committee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Remove changes to the Florida Education Finance Program and the Florida Teacher Classroom Supply Assistance Program;

- Authorize additional enforcement mechanisms for the Commission of Independent Education at the Department of Education and expand fair consumer practices protections as well as the commission's jurisdiction relating to minimum standards for licensure of private postsecondary institutions; and
- Authorize Bright Futures Scholarship Program students to combine volunteer and paid work hours to meet initial eligibility requirements.

The bill analysis is drafted to the committee substitute adopted by the Appropriations Committee.