



PreK - 12 Education Committee

**Meeting
Tuesday, January 10, 2006
1:15 — 3:15 p.m.
Morris Hall
REVISED**



Florida House of Representatives

Allan G. Bense

Speaker

PreK-12 Education Committee

Ralph Arza, Chair

**Representative Lorraine Ausley
Representative Ellyn Bogdanoff
Representative Marti Coley
Representative Frank Farkas
Representative Kenneth Gottlieb**

Joe Pickens, Vice Chair

**Representative Stan Mayfield
Representative Dave Murzin
Representative Curtis Richardson
Representative Trey Traviesa**

AGENDA

January 10, 2006

- I. Chairman's Opening Remarks**
- II. HB 177 Public K-12 Education by Gelber**
- III. HJR 213 Authorizing the Division of a County into Two or More School Districts by Brummer**
- IV. HB 291 Florida School Recognition by Bean**
- V. High School Reform Task Force Discussion**
 - Cheri Pierson Yecke, Chancellor, K-12 Public Schools**
- VI. Chairman's Closing Remarks**
- VII. Adjournment**

1 A bill to be entitled
 2 An act relating to public K-12 education; amending s.
 3 1001.42, F.S., relating to powers and duties of district
 4 school boards; providing a requirement relating to the
 5 opening date of the school year; amending s. 1011.60,
 6 F.S.; including the opening date requirement for
 7 participation in the Florida Education Finance Program;
 8 providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12 Section 1. Paragraph (f) of subsection (4) of section
 13 1001.42, Florida Statutes, is amended to read:

14 1001.42 Powers and duties of district school board.--The
 15 district school board, acting as a board, shall exercise all
 16 powers and perform all duties listed below:

17 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
 18 SCHOOLS.--Adopt and provide for the execution of plans for the
 19 establishment, organization, and operation of the schools of the
 20 district, including, but not limited to, the following:

21 (f) Opening and closing of schools; fixing uniform
 22 date.--Adopt policies for the opening and closing of schools and
 23 fix uniform dates provided that the opening date of the school
 24 year for schools in the district shall be no earlier than 7 days
 25 before Labor Day each year.

26 Section 2. Subsection (2) of section 1011.60, Florida
 27 Statutes, is amended to read:

28 1011.60 Minimum requirements of the Florida Education
 29 Finance Program.--Each district which participates in the state
 30 appropriations for the Florida Education Finance Program shall
 31 provide evidence of its effort to maintain an adequate school
 32 program throughout the district and shall meet at least the
 33 following requirements:

34 (2) MINIMUM TERM AND OPENING DATE.--Operate all schools
 35 for a term of at least 180 actual teaching days or the
 36 equivalent on an hourly basis as specified by rules of the State
 37 Board of Education each school year provided that the opening
 38 date of the term shall be no earlier than 7 days before Labor
 39 Day each year. The State Board of Education may prescribe
 40 procedures for altering, and, upon written application, may
 41 alter, this requirement during a national, state, or local
 42 emergency as it may apply to an individual school or schools in
 43 any district or districts if, in the opinion of the board, it is
 44 not feasible to make up lost days, and the apportionment may, at
 45 the discretion of the Commissioner of Education and if the board
 46 determines that the reduction of school days is caused by the
 47 existence of a bona fide emergency, be reduced for such district
 48 or districts in proportion to the decrease in the length of term
 49 in any such school or schools. A strike, as defined in s.
 50 447.203(6), by employees of the school district may not be
 51 considered an emergency.

52 Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 177 Public K-12 Education
SPONSOR(S): Gelber and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 306 Identical

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>PreK-12 Committee</u>	_____	Beagle <i>QEB</i>	Mizereck <i>KLM</i>
2) <u>Education Appropriations Committee</u>	_____	_____	_____
3) <u>Education Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House Bill 177 specifies that beginning with the 2007-2008 school year, each district school board may not adopt a school year start date earlier than 7 days prior to Labor Day each year. The bill adds a similar requirement to the 180 instructional day requirement for school district participation in the Florida Education Finance Program (FEFP).

The bill sets an effective date of July 1, 2006.

The bill does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government— The bill mandates that district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day. Local school districts currently have full control over the establishment of school year calendars

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Currently, Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district. District school boards are responsible for designating dates for the start and end of the school year, for school holidays and vacation periods, and for inservice and teacher planning days.¹ Each school district is eligible to participate in the FEFP, if its yearly instructional calendar provides for a minimum term of at least 180 instructional days², or an hourly equivalent as provided by State Board of Education rule.³ Thus, local school districts may receive FEFP funding by meeting the statutorily required minimum term, while retaining discretion to establish school year calendars. School year start and end dates vary across school districts, including several schools that operate on modified, year-round, or extended year calendars.⁴

The DOE reports a statewide trend towards earlier school start dates. Twenty-six school districts began school in the first week of August in 2005-2006 as compared to four in 1999-2000. Eight school districts began school August 15 or later in 2005-2006 as compared to forty-one in 1999-2000.⁵

The following table prepared by the DOE reflects this trend.

1 Section 1001.42(4), F.S.

2 Section 1011.60(2), F.S.

3 Presently, there is no State Board of Education Rule that sets hourly equivalencies to the 180 day minimum term. Email from Maria Eckard, Florida Department of Education, Legislative Affairs Department, December 20, 2005.

4 Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 *available at* <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

5 Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

Shift in School Start Dates, 1998-99 through 2005-2006⁶

	Districts Starting in Week 1 (Aug. 1-7)	Districts Starting in Week 2 (Aug. 8-14)	Districts Starting in Week 3 (Aug. 15-21)	Districts Starting in Week 4 (Aug. 22-28)	Districts Starting in Week 5 (Aug. 29-31)
1998-99	6	25	23	16	3
1999-00	4	28	25	14	2
2000-01	13	38	16	6	0
2001-02	15	47	8	3	0
2002-03	18	46	6	3	0
2003-04	31	33	7	2	0
2004-05	25	38	10	0	0
2005-06	26	38	8	0	0

Currently, several states have legislatively established school start dates. These states include Iowa, Michigan, Minnesota, Missouri, North Carolina, South Carolina, South Dakota, Texas, Virginia, West Virginia, and Wisconsin. Similar legislation is pending in Georgia and Oklahoma.⁷

Effects of Proposed Changes:

House Bill 177 amends s.1001.42, F.S. to specify that beginning with the 2007-2008 school year, district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day each year. The bill also amends s.1011.60(2), F.S. to add the same start date requirement to the statutory prerequisites for school district participation in the FEFP. If adopted, the bill removes district school boards' discretion to adopt an earlier school year start date than that which is statutorily prescribed. A school district that fails to satisfy this provision would be ineligible for FEFP funding.

According to the DOE, the average instructional days available to school districts prior to FCAT administration is 124.7. The bill may reduce the number of instructional days available before students take the FCAT in the spring. This may require that FCAT administration be delayed to allow school districts more time to prepare students, which could impair the DOE's ability to report FCAT results by the end of the school year.⁸

The following table, prepared by the DOE, illustrates the impact of various school start dates on instructional days available prior to FCAT administration.

⁶ Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

⁷ Id.

⁸ Id.

Number of Instructional Days between Start Date and FCAT (currently set to begin Feb. 26, 2008) if School Started on the First Day of the Designated Week, 2007-08 School Year⁹

	# Week Days	# Holidays	# Planning Days (2.9 day avg. for 2005-06)	# Instructional Days	# Instructional Days, FCAT 5 days later	# Instructional Days, FCAT 10 days later
Week 3 (Aug. 15-21)	139	19	3	117	122	127
Week 4 (Aug. 22-28)	134	19	3	112	117	122
Week 5 (Aug. 29-31)	129	19	3	107	112	117
After Labor Day	125	18	3	104	109	114

Holidays falling between August and FCAT administration include Labor Day (1), Columbus Day (1), Veterans Day (1), Thanksgiving (3), Winter Break (10), New Years Day (1), Martin Luther King's Birthday (1), and Presidents' Day (1)

School semesters are not required to contain an equal number of instructional days, as reflected in the practices of several Florida school districts.¹⁰ However, the bill may limit school districts' ability to complete a 90-day semester prior to the commencement of winter break. This would put school district calendars out of sync with colleges and universities, disrupting completion of and enrollment in dual enrollment courses.

The bill takes effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s.1001.42, F.S. to establish a school year start date no earlier than 7 days prior to Labor Day.

Section 2. Amends s.1011.60, F.S. making each school district's participation in the FEFP contingent upon its adoption of a school year start date no earlier than 7 days prior to Labor Day.

Section 3. Establishes an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

⁹ Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

¹⁰ Id.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

House Bill 177 requires school district adoption of a school year start date no earlier than seven days prior to Labor Day as a prerequisite for participation in the FEFP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IX

EDUCATION

SECTION 4. School districts; school boards.--

(a) Each county shall constitute a school district; provided, two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district; and provided further that a county with 45,000 or more students in the district schools within the county may be divided into two or more school districts, each school district to have no fewer than 20,000 students, as provided by law. In order to divide a county school district under this subsection, and notwithstanding other provisions of this constitution, a commission made up of residents of the county shall be created by special law to draw school district boundary lines, allocate assets, and provide for the contractual obligations, debts, and bonded indebtedness of the school

29 district, all of which shall be subject to review and approval
 30 by the circuit court for compliance with state and federal law
 31 and subject to approval by a vote of the electors of the county.
 32 Funding for operation and capital outlay in school districts
 33 divided pursuant to this subsection shall be determined on a
 34 countywide basis and distributed to the school districts per
 35 student as provided by law, except that funds raised by voted
 36 millage for bonded indebtedness or local option sales taxes may
 37 be distributed per interlocal agreement between the school
 38 districts. Local school taxes in school districts divided
 39 pursuant to this subsection, including voted millage for bonded
 40 indebtedness, shall be levied on a countywide basis as provided
 41 by law.

42 (b) In each school district there shall be a school board
 43 composed of five or more members chosen by vote of the electors
 44 in a nonpartisan election for appropriately staggered terms of
 45 four years, as provided by law.

46 ~~(b)~~ The school board shall operate, control, and supervise
 47 all free public schools within the school district and determine
 48 the rate of school district taxes within the limits prescribed
 49 herein. Two or more school districts may operate and finance
 50 joint educational programs.

51 BE IT FURTHER RESOLVED that the following statement be
 52 placed on the ballot:

53 CONSTITUTIONAL AMENDMENT

54 ARTICLE IX, SECTION 4

55 AUTHORIZING THE DIVISION OF A COUNTY INTO TWO OR MORE
 56 SCHOOL DISTRICTS.--Proposing an amendment to the State

HJR 213

2006

57 Constitution to provide that counties with 45,000 or more
 58 students may be divided into two or more school districts as
 59 provided by law; to provide for the creation of a commission, by
 60 special law, to draw school district boundary lines, allocate
 61 assets, and provide for the contractual obligations, debts, and
 62 bonded indebtedness of the school district, all of which shall
 63 be subject to judicial review and approval and voter approval;
 64 to provide that, except for voted millage for bonded
 65 indebtedness or local option sales taxes, school district
 66 funding shall be determined on a countywide basis and
 67 distributed as provided by law; and to provide that local school
 68 taxes, including voted millage for bonded indebtedness, shall be
 69 levied on a countywide basis as provided by law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HJR 213
SPONSOR(S): Brummer
TIED BILLS:

Authorizing the Division of a County into Two or More School Districts

IDEN./SIM. BILLS: SJR 532 Identical

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Beagle <i>JEB</i>	Mizereck <i>LM</i>
2) Education Appropriations Committee			
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

House Joint Resolution 213 proposes an amendment to Section 4 of Article IX of the State Constitution, permitting a county with more than 45,000 students to be divided into multiple school districts of no less than 20,000 students. The resolution will be subject to voter approval via a statewide referendum at the November 2006 election or an earlier special election.

In order to divide a county under this provision, the resolution provides that a commission be created by special law to draw school district boundary lines, allocate assets, and provide for the contractual obligations, debts, and bonded indebtedness of the school district. Commission decisions are subject to circuit court review for compliance with state and federal law and voter approval by county referendum.

Funding for operations and capital outlay in school districts divided pursuant to this resolution will be calculated on a county-wide basis and distributed to the school districts on a per student basis as provided by law. Funds raised by voted millage for bonded indebtedness or local option sales taxes shall be levied on a countywide basis and may be distributed per interlocal agreement between the school districts.

The HJR raises fiscal issues that would have to be addressed in subsequent implementing legislation. Please see FISCAL COMMENTS.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The resolution allows voters in counties with large student populations to establish multiple, smaller school districts.

Safeguard Individual Liberty-- The resolution allows voters in counties with large student populations to establish multiple, smaller school districts, thereby increasing local control.

Empower Families-- The resolution allows voters in counties with large student populations to establish multiple, smaller school districts, potentially increasing families' access to school district decision makers.

B. EFFECT OF PROPOSED CHANGES:

Present Situation--

Section 4 of Article IX of the Florida State Constitution currently provides that each county constitutes a school district. However, the voters of two or more counties may decide to join together to form one school district. No districts have exercised this option.

Section 4 of Article IX of the State Constitution requires each school district to have a board composed of five or more members chosen by vote of the electors. Section 5 of Article IX requires each district to have a superintendent of schools who may be appointed or elected.

Section 1011.62, F.S., governs the Florida Education Finance Program (FEFP) which is designed to provide equitable funding for students across the state. The program combines state dollars and local revenue in a formula to allocate funds to school districts according to student population and cost of educational programs.

Effect of Proposed Changes--

If approved by the electors of the State of Florida at the November 2006 general election or at an earlier special election, House Joint Resolution 213 will amend Section 4 of Article IX of the State Constitution to permit school districts with more than 45,000 students to be divided into more than one school district. The voters in eligible school districts may elect to divide into more than one school district, provided that each district created serves no less than 20,000 students.

In order to divide a school district under this provision, the resolution requires that a commission be created by special law to draw school district boundary lines, allocate assets, and provide for the contractual obligations, debts, and bonded indebtedness of the school district. Commission decisions are subject to circuit court review for compliance with state and federal law and voter approval by county referendum.

Funding for operations and capital outlay in school districts divided pursuant to this resolution will be calculated on a county-wide basis and distributed to the school districts on a per student basis as provided by law. Funds raised by voted millage for bonded indebtedness or local option sales taxes shall be levied on a countywide basis and may be distributed per interlocal agreement between the school districts.

If the proposed amendment is approved by the voters, the HJR anticipates Legislative action to establish specific requirements and processes.

According to a Florida Department of Education estimate of K-12 unweighted FTE students for the 2006-2007 school year, there are fifteen school districts large enough to be affected by the resolution.¹

Florida School Districts Potentially Affect by HJR 213

School District	Student Population based on 2006-2007 Estimated K-12 Unweighted FTE Students	Number of Potential New Districts (FTE Count divided by 20,000)
Miami-Dade County	364,203	18
Broward County	275,934	13
Hillsborough County	197,869	9
Orange County	185,894	9
Palm Beach County	180,803	9
Duval County	129,825	6
Pinellas County	113,001	5
Lee County	80,604	4
Polk County	89,093	4
Brevard County	75,446	3
Pasco County	66,529	3
Seminole County	68,578	3
Volusia County	67,367	3
Collier County	45,631	2
Osceola County	54,497	2

Under the provisions of the HJR, 78 additional school districts could potentially be created. Dade could divide into 18 school districts; Broward could divide into 13 districts; Hillsborough, Orange and Palm Beach each could divide into 9 districts; Duval could divide into 6 districts; Pinellas could divide into 5 districts; Lee and Polk each could divide into 4 districts; Brevard, Pasco, Seminole, and Volusia each could divide into 3 districts; and Collier and Osceola each could divide into 2 districts.

C. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

¹ Florida Department of Education, 2006-2007 Florida Education Finance Program: Comparison of Unweighted FTE, Estimated K-12 Unweighted FTE Students.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct fiscal impact on the private sector.

D. FISCAL COMMENTS:

The complexity of financial issues involved with dividing Florida's school districts into smaller districts may pose challenges when implementing the joint resolution. Examples of issues that would need to be addressed are:

- There must be agreement on the division of existing bond debt service obligations, the distribution of revenue from future bond referendums and voter approved operating millage revenue, and the distribution of current and future capital outlay sales taxes and intra-governmental capital outlay sales taxes.
- There must be agreement on the specific millage rate for each of the two authorized discretionary millages and the authorized two mill capital outlay levy.
- There must be agreement on the allocation of Public Capital Outlay (PECO) funds. Provision may be made for a divided district with older buildings or a higher rate of student growth.
- Provision would have to be made to determine class size reduction compliance.
- The Florida Education Finance Program (FEFP) contains several funding formulas and allocation models which may need to be altered to address new divided districts. For example, distribution formulas at the divided district level, that incorporate student demographics, may have to be developed for certain categorical funding programs, including the Supplemental Academic Instruction categorical, the Exceptional Student Guarantee, the Reading categorical, the Transportation categorical and the Safe Schools categorical. The funds for each of these categorical programs must be spent for specific purposes. To the extent a divided district serves a higher proportion of students requiring these services, the district may require a larger portion of these funds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
 2 An act relating to the Florida School Recognition Program;
 3 amending s. 1008.36, F.S.; specifying conditions under
 4 which a school that is part of a school feeder pattern and
 5 does not receive a school grade under s. 1008.34, F.S.,
 6 may participate in the program; prescribing the
 7 circumstances in which a school feeder pattern exists;
 8 providing that a feeder pattern school shall be subject to
 9 the Opportunity Scholarship Program; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (3) of section 1008.36, Florida
 15 Statutes, is amended to read:

16 1008.36 Florida School Recognition Program.--

17 (3) All public schools, including charter schools, that
 18 receive a school grade pursuant to s. 1008.34 are eligible to
 19 participate in the program. For the purposes of this section, a
 20 school that serves any combination of students in kindergarten
 21 through grade 3 and that does not receive a school grade under
 22 s. 1008.34 shall be assigned the school performance grade of the
 23 feeder pattern school designated by the Department of Education
 24 and verified by the school district and is eligible to
 25 participate in the program based upon that feeder pattern
 26 school. A school feeder pattern exists if at least 60 percent of
 27 the students in the school or schools serving a combination of
 28 students in kindergarten through grade 3 are scheduled to be

HB 291

2006

29 | assigned to the school that receives the school grade. In
30 | addition, the feeder pattern school is subject to the
31 | Opportunity Scholarship Program as described in s. 1002.38.

32 |

33 | Notwithstanding statutory provisions to the contrary, incentive
34 | awards are not subject to collective bargaining.

35 | Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 291

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Committee
2 Representatives Bean and Arza offered the following:

Amendment (with directory and title amendments)

5 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3) of section 1008.34, Florida Statutes,
8 is amended to read:

10 1008.34 School grading system; district performance grade.

12 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.--A
13 school that serves any combination of students in kindergarten
14 through grade 3 that does not receive a school grade because its
15 students are not tested and included in the school grading
16 system shall receive the school grade designation of a feeder
17 pattern school identified by the Department of Education and
18 verified by the school district. A school feeder pattern exists
19 if at least 60 percent of the students in the school serving a
20 combination of students in kindergarten through grade 3 are
21 scheduled to be assigned to the graded school. School

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 performance grade category designations itemized in subsection
23 (2) shall be based on the following:

24 (a) Timeframes.--

25 1. School performance grade category designations shall be
26 based on the school's current year performance and the school's
27 annual learning gains.

28 2. A school's performance grade category designation shall
29 be based on a combination of student achievement scores, student
30 learning gains as measured by annual FCAT assessments in grades
31 3 through 10, and improvement of the lowest 25th percentile of
32 students in the school in reading, math, or writing on the FCAT,
33 unless these students are performing above satisfactory
34 performance.

35 (b) Student assessment data.--Student assessment data used
36 in determining school performance grade categories shall
37 include:

38 1. The aggregate scores of all eligible students enrolled
39 in the school who have been assessed on the FCAT.

40 2. The aggregate scores of all eligible students enrolled
41 in the school who have been assessed on the FCAT, including
42 Florida Writes, and who have scored at or in the lowest 25th
43 percentile of students in the school in reading, math, or
44 writing, unless these students are performing above satisfactory
45 performance.

46
47 The Department of Education shall study the effects of mobility
48 on the performance of highly mobile students and recommend
49 programs to improve the performance of such students. The State
50 Board of Education shall adopt appropriate criteria for each
51 school performance grade category. The criteria must also give

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 added weight to student achievement in reading. Schools
53 designated as performance grade category "C," making
54 satisfactory progress, shall be required to demonstrate that
55 adequate progress has been made by students in the school who
56 are in the lowest 25th percentile in reading, math, or writing
57 on the FCAT, including Florida Writes, unless these students are
58 performing above satisfactory performance.

59

60 Section 2. Subsection (2) of section 1002.38, Florida Statutes,
61 is amended to read:

62

63 1002.38 Opportunity Scholarship Program.—

64

65 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public school
66 student's parent may request and receive from the state an
67 opportunity scholarship for the student to enroll in and attend
68 a private school in accordance with the provisions of this
69 section if:

70 (a)1. By assigned school attendance area or by special
71 assignment, the student has spent the prior school year in
72 attendance at a public school, including a feeder pattern
73 school, that has been designated pursuant to s. 1008.34 as
74 performance grade category "F," failing to make adequate
75 progress, and that has had 2 school years in a 4-year period of
76 such low performance, and the student's attendance occurred
77 during a school year in which such designation was in effect;

78

79 Section 3. Subsection (3) of section 1008.36, Florida Statutes,
80 is amended to read:

81

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

82 1008.36 Florida School Recognition Program.—

83

84 (3) All public schools, including charter schools and
85 feeder pattern schools, that receive a school grade pursuant to
86 s. 1008.34 are eligible to participate in the program.

87

88 Section 4. This act shall take effect July 1, 2006.

89

90 ===== T I T L E A M E N D M E N T =====

91 Remove the entire title and insert:

92 An act relating to the Florida School Grading System; amending
93 s. 1008.34, F.S.; adding feeder pattern schools to list of
94 schools receiving a school grade; prescribing circumstances in
95 which a feeder pattern exists; amending s. 1002.38, F.S.;
96 allowing students served by feeder pattern schools to
97 participate in the Opportunity Scholarship Program; amending s.
98 1008.36, F.S.; allowing feeder pattern schools to participate in
99 the Florida School Recognition Program; providing an effective
100 date.

101

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 291 Florida School Recognition Program
SPONSOR(S): Bean and others
TIED BILLS: IDEN./SIM. BILLS: SB 500 Identical

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	_____	Beagle <i>JEB</i>	Mizereck <i>KKW</i>
2) Education Appropriations Committee	_____	_____	_____
3) Education Council	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House Bill 291 requires that each ungraded K-3 school be assigned the school grade of its feeder pattern school, as designated by the Department of Education (DOE) and verified by the school district. Under the provisions of the bill, the K-3 schools would be eligible to participate in the Florida School Recognition Program and students served by these schools may become eligible for the Opportunity Scholarship Program.

The bill sets an effective date of July 1, 2006.

The bill will have a neutral fiscal impact. Please see FISCAL COMMENTS section.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility-- The bill enables previously ungraded K-3 schools to receive performance-based awards through the School Recognition Program.

Empower Families-- The bill increases the number of schools that receive school grades, potentially increasing the number of students becoming eligible for Opportunity Scholarships.

B. EFFECT OF PROPOSED CHANGES:

The Florida School Recognition Program¹ provides financial awards to public schools as a reward for performance. Schools that maintain a grade of "A" or improve one letter grade receive an amount per student as determined in the General Appropriations Act. In Fiscal Year 2004-05, schools received \$100 per student for a total of \$117.2 million in School Recognition awards.

Currently, schools serving any combination of students in grades kindergarten through grade 3 do not receive a school grade because students in grades K-2 do not take the FCAT, and learning gains cannot be calculated with only grade 3 data. Ungraded K-3 schools are not eligible for the Florida School Recognition program. Likewise, students served by ungraded K-3 schools are not eligible for Opportunity Scholarships.

The bill requires that an ungraded K-3 school receive the school grade designation of its feeder pattern school if a feeder pattern can be designated by the DOE and verified by the school district. A feeder pattern exists if at least 60 percent of the students in the ungraded K-3 school progress to the graded school. This provision enables such schools to receive a school grade designation and qualify for the Florida School Recognition Program. The bill makes students served by these schools eligible to receive Opportunity Scholarships if the feeder pattern school receives a school grade of "F" twice in a four year period.

C. SECTION DIRECTORY:

Section 1: Amends s. 1008.36, F.S., to provide school grades for certain K-3 schools and establish eligibility for the School Recognition and Opportunity Scholarship Programs.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

Please see the FISCALCOMMENTS section.

¹ Section 1008.36, F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

Adding ungraded K-3 schools to the School Recognition Program will shift discretionary lottery dollars from school districts to school-based awards. Currently, 62% of graded elementary schools receive school recognition awards. There are presently 102 ungraded K-3 schools serving 12,404 K-3 students. The DOE estimates a potential fiscal impact of \$769,048 [12,404 students x 62% x \$100 = \$769,048].²

According to the DOE, there are currently no K-3 schools that qualify for the Opportunity Scholarship Program under this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require local governments to take any action because there is no requirement to use local funding.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The DOE expressed concern that the bill might be interpreted to exclude certain schools that serve both K-3 students and pre-kindergarten students or schools serving only grades 2 through 3. The bill could be amended to clarify that any ungraded school serving students at any of these grade levels, whether singularly or in combination with one another, are eligible to receive school grades.³

The bill could also be amended to clarify the timing for Opportunity Scholarship Program eligibility for the previously ungraded K-3 schools. For example, the Legislature may wish to specify that the eligibility would not retroactively apply.

² Florida Department of Education, 2006 Legislative Bill Analysis for HB 291, dated November, 18, 2005.

³ Id.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES



PreK - 12 Education Committee

**Addendum A
Meeting**

Tuesday, January 10, 2006

1:15 — 3:15 p.m.

Morris Hall

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 177

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Committee

2 Representative Gelber offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line(s) 52 and insert:

6 Section 3. The amendments to ss. 1001.42(4)(f) and
7 1011.60(2), Florida Statutes, by this act shall apply to school
8 years beginning with the 2007-2008 school year unless a school
9 district agrees with administrators and instructional personnel
10 to make such provisions applicable beginning with the 2006-2007
11 school year.

12 Section 4. This act shall take effect upon becoming a law.

13
14
15 ===== T I T L E A M E N D M E N T =====

16 Between line(s) 7 and 8 insert:

17 providing applicability beginning with the 2007-2008 school year
18 unless agreement is reached for application beginning with the
19 2006-2007 school year;

000000

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 177 Public K-12 Education
SPONSOR(S): Gelber and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 306

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Beagle <i>GEB</i>	Mizereck <i>KJM</i>
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

House Bill 177 specifies that beginning with the 2007-2008 school year, each district school board may not adopt a school year start date earlier than 7 days prior to Labor Day each year. The bill adds a similar requirement to the 180 instructional day requirement for school district participation in the Florida Education Finance Program (FEFP).

The bill sets an effective date of July 1, 2006.

The bill does not have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government— The bill mandates that district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day. Local school districts currently have full control over the establishment of school year calendars.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Currently, Florida law grants authority to district school boards to establish an annual instructional calendar for all schools in the district. District school boards are responsible for designating dates for the start and end of the school year, for school holidays and vacation periods, and for inservice and teacher planning days.¹ Each school district is eligible to participate in the FEFP, if its yearly instructional calendar provides for a minimum term of at least 180 instructional days², or an hourly equivalent as provided by State Board of Education rule.³ Thus, local school districts may receive FEFP funding by meeting the statutorily required minimum term, while retaining discretion to establish

¹ Section 1001.42(4), F.S.

² Section 1011.60(2), F.S.

³ Presently, there is no State Board of Education Rule that sets hourly equivalencies to the 180 day minimum term. Email from Maria Eckard, Florida Department of Education, Legislative Affairs Department, December 20, 2005.

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

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DATE: 1/9/2006

school year calendars. School year start and end dates vary across school districts, including several schools that operate on modified, year-round, or extended year calendars.⁴

The DOE reports a statewide trend towards earlier school start dates. Twenty-six school districts began school in the first week of August in 2005-2006 as compared to four in 1999-2000. Eight school districts began school August 15 or later in 2005-2006 as compared to forty-one in 1999-2000.⁵

The following table prepared by the DOE reflects this trend.

Shift in School Start Dates, 1998-99 through 2005-2006⁶

	Districts Starting in Week 1 (Aug. 1-7)	Districts Starting in Week 2 (Aug. 8-14)	Districts Starting in Week 3 (Aug. 15-21)	Districts Starting in Week 4 (Aug. 22-28)	Districts Starting in Week 5 (Aug. 29-31)
1998-99	6	25	23	16	3
1999-00	4	28	25	14	2
2000-01	13	38	16	6	0
2001-02	15	47	8	3	0
2002-03	18	46	6	3	0
2003-04	31	33	7	2	0
2004-05	25	38	10	0	0
2005-06	26	38	8	0	0

Currently, several states have legislatively established school start dates. These states include Iowa, Michigan, Minnesota, Missouri, North Carolina, South Carolina, South Dakota, Texas, Virginia, West Virginia, and Wisconsin. Similar legislation is pending in Georgia and Oklahoma.⁷

Effects of Proposed Changes:

House Bill 177 amends s.1001.42, F.S. to specify that beginning with the 2007-2008 school year, district school boards may not adopt a school year start date earlier than 7 days prior to Labor Day each year. The bill also amends s.1011.60(2), F.S. to add the same start date requirement to the statutory prerequisites for school district participation in the FEFP. If adopted, the bill removes district school boards' discretion to adopt an earlier school year start date than that which is statutorily prescribed. A school district that fails to satisfy this provision would be ineligible for FEFP funding.

According to the DOE, the average instructional days available to school districts prior to FCAT administration is 124.7. The bill may reduce the number of instructional days available before students take the FCAT in the spring. This may require that FCAT administration be delayed to allow school districts more time to prepare students, which could impair the DOE's ability to report FCAT results by the end of the school year.⁸

The following table, prepared by the DOE, illustrates the impact of various school start dates on instructional days available prior to FCAT administration.

⁴ Florida Department of Education, Bureau of Education Information and Accountability Services, Statistical Brief: School District Calendars 2005-2006 available at <http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>.

⁵ Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

⁶ Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

⁷ Id.

⁸ Id.

Number of Instructional Days between Start Date and FCAT (currently set to begin Feb. 26, 2008) if School Started on the First Day of the Designated Week, 2007-08 School Year⁹

	# Week Days	# Holidays	# Planning Days (2.9 day avg. for 2005-06)	# Instructional Days	# Instructional Days, FCAT 5 days later	# Instructional Days, FCAT 10 days later
Week 3 (Aug. 15-21)	139	19	3	117	122	127
Week 4 (Aug. 22-28)	134	19	3	112	117	122
Week 5 (Aug. 29-31)	129	19	3	107	112	117
After Labor Day	125	18	3	104	109	114

Holidays falling between August and FCAT administration include Labor Day (1), Columbus Day (1), Veterans Day (1), Thanksgiving (3), Winter Break (10), New Years Day (1), Martin Luther King's Birthday (1), and Presidents' Day (1)

School semesters are not required to contain an equal number of instructional days, as reflected in the practices of several Florida school districts.¹⁰ However, the bill may limit school districts' ability to complete a 90-day semester before winter break. This would put school district calendars out of sync with colleges and universities, disrupting completion of and enrollment in dual enrollment and early admission credit programs. Currently, there are four types of programs:

- Dual enrollment for associate college credit;
- Dual enrollment for vocational credit;
- Early admission for college credit and;
- Early admission for vocational credit.

All 28 Florida community colleges participate in the dual enrollment and early admission credit programs. In 2003-2004, 35,424 students were enrolled in these programs; 34,574 students were enrolled in 2004-2005.¹¹

The bill takes effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1. Amends s.1001.42, F.S. to establish a school year start date no earlier than 7 days prior to Labor Day.

Section 2. Amends s.1011.60, F.S. making each school district's participation in the FEFP contingent upon its adoption of a school year start date no earlier than 7 days prior to Labor Day.

Section 3. Establishes an effective date of July 1, 2006.

⁹ Florida Department of Education, 2006 Legislative Bill Analysis for HB 177, dated October 31, 2005.

¹⁰ Id.

¹¹ Email from Mark Walsh, Florida Department of Education, Legislative Affairs Department, January 9, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

House Bill 177 requires school district adoption of a school year start date no earlier than seven days prior to Labor Day as a prerequisite for participation in the FEFP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES