

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 653 Public K-12 Education
SPONSOR(S): Schools & Learning Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Schools & Learning Council		Kooi	Cobb
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

PCS/HB 653 revises the organizational structure of the Department of Education, requiring the establishment of a Division of Workforce Education and a Division of Finance and Operations. It also provides the Commissioner of Education with authority to organize and name the structural units of the DOE and the flexibility to do so in a manner that meets legislative intent and promotes efficiency and accountability.

The bill removes the current district school board salary requirements and replaces them with the salary formula that was in place prior to the school code rewrite in 2002. The bill sets the salary according to a formula that is based on the population of each county and is adjusted each year according to a formula set forth in s. 145.19, F.S., which includes factors set forth by the Department of Management Services. The bill also raises the base salary for district school superintendents in the statutory formula.

The bill allows district school boards to adopt policies for the opening and closing of schools and fix uniform dates for the school year after receiving public input in at least one public hearing. However, district school boards are prohibited, beginning with the 2007-2008 school year, from adopting opening dates for the school year earlier than 14 days before Labor Day each year unless a district school board holds at least one public hearing on the matter.

The bill sets forth new requirements for school districts regarding contracts with photographers for student yearbook photos, including requesting bids, providing information on other student options for photography and authorizing a student's senior photo to appear in the school yearbook that is taken by the student's choice of photographer, so long as the photo meets the specifications of the school principal and yearbook staff.

The bill restores inadvertently deleted language relating to grade forgiveness policies for all incoming ninth graders and provides a new exception for a student in the middle grades who takes a high school course for high school credit.

The bill reinserts inadvertently omitted waiver options for the physical education course requirement for high school graduation for students that participate in marching band, junior varsity or varsity high school sports, or Junior ROTC and meet certain other requirements.

The bill appears to have only a minimal fiscal impact on state and local government. See FISCAL ANALYSIS section.

The bill provides for an effective date of July 1, 2007.

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

STORAGE NAME: pcs0653.SLC.doc
DATE: 4/6/2007

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill places certain requirements on district school boards' selection of photographers.

Empower families-- The bill requires districts to provide information so that students and parents know they may purchase photographic services from vendors not under contract with the school district.

B. EFFECT OF PROPOSED CHANGES:

Department of Education Reorganization

Current law specifies that the following divisions must be established within the Department of Education (DOE): Community Colleges, Public Schools, Colleges and Universities, Vocational Rehabilitation, Blind Services, and Accountability, Research, and Measurement. The directors of such divisions are appointed by the Commissioner of Education.

PCS/HB 653 revises the organizational structure of the DOE by specifically requiring the establishment of a Division of Workforce Education and a Division of Finance and Operations. The bill provides that the director of each of the divisions set forth in statute may be designated as "Deputy Commissioner" or "Chancellor". The bill also deletes the language requiring a division of colleges and universities within the DOE as the State University System is now governed by the Board of Governors as provided in the state constitution.

The bill provides the Commissioner of Education with authority to organize and name the structural units of the DOE and with flexibility to do so in a manner that meets legislative intent and promotes efficiency and accountability.

District School Board Member compensation

Under Article IX, Section 4(a), of the State Constitution, each county is constituted as a school district. Each school district must have a school board composed of five or more members chosen by a vote of the electors in a non-partisan election for staggered four-year terms. Current law requires that each district school board must determine the salary of its members at the first school board meeting of each year.¹ The law also requires that the salary proposed to be adopted at that first meeting must be included in the meeting notice and may not be increased at that meeting. The salary that is adopted must stay in effect for the succeeding twelve months.

The bill removes the current requirements and replaces them with the salary formula that was in place prior to the school code rewrite in 2002.² The bill sets the salary according to a formula that is based on the population of each county and is adjusted each year according to a formula set forth in s. 145.19, F.S., which includes factors set forth by the Department of Management Services.

The primary determinants of an elected school superintendent's formula-based salary will be: 1) the countywide population; 2) the annual factor, a measure of the average percentage increase in salaries of state career service employees for the current fiscal year, or seven percent, whichever is less; and 3) the cumulative annual factor, a measure reflecting the product of all previously-certified annual factors.

Elected District School Superintendent salary

Election and Appointment of District School Superintendents

¹ The date of this meeting is set forth in s. 1001.371, F.S., and is the third Tuesday after the first Monday in November.

² Section 54, Ch. 2002-387, Laws of Florida.

Under Article IX, Section 5, of the State Constitution, each school district must have a superintendent of schools. The district school superintendent must be elected at the general election unless the district school board adopts a resolution or the voters approve a special law to require the school board to employ a superintendent.

Superintendents are elected in 43 school districts.³ Superintendents are appointed in the following 24 school districts: Alachua, Brevard, Broward, Charlotte, Collier, Duval, Flagler, Hernando, Hillsborough, Indian River, Lee, Manatee, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, St. Johns, St. Lucie, Sarasota, Seminole, and Volusia.⁴

Compensation of Elected District School Superintendents

The compensation of elected district school superintendents is governed by s. 1001.47, F.S., which establishes a population-based salary formula. However, a district school board, by majority vote, may approve a salary in excess of the amount specified by the formula.

The primary determinants of an elected school superintendent’s formula-based salary are: 1) the countywide population; 2) the annual factor, a measure of the average percentage increase in salaries of state career service employees for the current fiscal year, or seven percent, whichever is less; and 3) the cumulative annual factor, a measure reflecting the product of all previously-certified annual factors.

The bill raises the base salary in the formula described above by \$2,100 for each population group. The new base amount is the same as that set for county sheriffs pursuant to s. 145.071, F.S. The bill also removes the statutory requirement that any laws that increase the base salary set forth in s. 1001.47(2), F.S., shall contain provisions on no other subject.

School Start Date

Current law requires district school boards to adopt plans for the opening and closing dates of schools and the observance of school holidays and vacation periods. The law prohibits district school boards from adopting opening dates for the school year earlier than 14 days before Labor Day each year. This provision is effective beginning with the 2007-2008 school year.⁵ For 2007-2008, the actual start date is no earlier than Monday, August 20, which is 14 days prior to September 3, Labor Day.

Prior to the beginning of each fiscal year, school boards must adopt an annual calendar for use by all schools operated by the board.⁶ Districts must also provide for elementary and secondary schools to operate for a term of at least 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education.⁷ Currently, there is no requirement that the first and second semesters be equal in length. However, the law defines the minimum number of hours that comprise a full credit for high school graduation purposes.⁸ A credit is a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards. For schools that use block scheduling, a full credit is a minimum of 120 hours.

The following chart documents a shift in school start dates from 1998-1999 through 2006-2007.⁹

School Year	Districts	Districts	Districts	Districts	Districts
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³ Florida Legislative Committee on Intergovernmental Relations. “Compensation of Florida’s School Superintendents.” January 2006. p. 1.

⁴ Florida Association of District School Superintendents. <http://www.fadss.org/>

⁵ Section 1001.42(4)(f), F.S., as amended by s. 11 of ch. 2006-74, L.O.F.

⁶ Rule 6A-10.019, F.A.C.

⁷ Section 1001.42(10)(a), F.S.

⁸ Section 1003.436(1)(a), F.S.

⁹ Florida Department of Education, January 2007. The chart includes the 67 school districts, the Florida School for the Deaf and the Blind, Eckerd schools, and the four developmental research (lab) schools.

	Starting in Week 1 (Aug. 1-7)	Starting in Week 2 (Aug. 8-14)	Starting in Week 3 (Aug. 15-21)	Starting in Week 4 (Aug. 22-28)	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
2006-07	33	33	5	0	0

Students began the 2006-2007 school year during the following weeks: July 31-August 4 in 13 districts; August 7-11 in 40 districts; August 14-18 in 12 districts; and August 21-25 in 2 districts.¹⁰ The regular school year ends as early as May 17, 2007, for students in Okaloosa County and as late as June 1, 2007, for students in Alachua, Franklin, Palm Beach, and Putnam Counties. The school year ends for students in eight districts during the week of May 14-18; in 48 districts during the week of May 21-25; 10 districts during the week of May 28-June 1, and one district during the week of June 4-8.¹¹

According to the DOE, there are an average of 11 planning days and 23 holidays during the 2006-2007 school year for Florida's school districts. While the winter and spring break periods appear to be consistent throughout the state during the 2006-2007 school year, substantial differences exist between districts for other holidays. For example, several districts provide a full week Thanksgiving holiday and many provide up to five teacher-planning days throughout the school year in addition to the standard August pre-planning week. Fifteen school districts also provide a fall break in addition to the Thanksgiving holidays.¹²

The bill allows district school boards to adopt policies for the opening and closing of schools and fix uniform dates for the school year after receiving public input in at least one public hearing. However, district school boards, beginning with the 2007-2008 school year, are prohibited from adopting opening dates for the school year earlier than 14 days before Labor Day each year unless a district school board holds at least one public hearing on the matter.

The bill does not require any action to be taken as a result of the input received at the public hearing, so even after it is held, the school board could open and close schools at a date of their choosing.

Senior Yearbook Photographs

Florida law grants local district school boards authority to control K-12 education operations in the district. Educational curricula, facilities operation and maintenance, student discipline and attendance policies, transportation, reporting and record keeping are among the duties prescribed to district school boards in statute.¹³

The bill requires school districts that contract with a photographer for the purpose of taking student yearbook photos must request proposals to contract with at least two photographers and the results of such proposals, including the vendors' contact information, must be provided on the school or district website. The bill also specifies that a student's senior photo must be allowed to appear in the school

¹⁰ Florida Department of Education, *Statistical Brief*, Series 2007-01B, July 2006. See

<http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>

¹¹ The data for the latest school end date appears to be inconsistent with other information provided by the DOE.

¹² Florida Department of Education, *Statistical Brief*, Series 2007-01B, July 2006. See

<http://www.firn.edu/doe/eias/eiaspubs/pdf/calendar.pdf>

¹³ Section 1003.02, F.S.

yearbook regardless of the student's choice of photographer, so long as the photo meets the specifications of the school principal and yearbook staff.

High School graduation grade forgiveness policies

In 2006, the Florida Legislature in HB 7087, Ch. 2006-74, Laws of Florida, revised the high school graduation requirements for all incoming ninth graders. Included in this revision was a change to the requirements for grade forgiveness. The former requirements for grade forgiveness were not included in the new s. 1003.428, F.S., and new policies regarding credit recovery courses were required in s. 1003.413, F.S.

The bill restores the language in 1003.43, F.S. for grade forgiveness policies for all incoming ninth graders and removes the language relating to credit recovery. These policies must allow students to replace grades of "D" or "F" or the equivalent of such grades, in required courses with a subsequent grade of "C" or higher, or the equivalent of such grades, in a comparable course, and replace grades of "D" or "F", or the equivalent of such grades, in elective courses with a subsequent grade of "C" or higher, or the equivalent of such grades, in another elective course.

The bill also provides an exception for a student in the middle grades who takes a high school course for high school credit and earns a grade of "C", "D", or "F" or the equivalent of such grades. In such cases, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher; or the equivalent of a grade of such grades, earned subsequently in the same or comparable course.

Waiver of physical education requirement for high school graduation

In 2006, the Florida Legislature in HB 7087, Ch. 2006-74, Laws of Florida, revised the high school graduation requirements for all incoming ninth graders. Included in this revision was a change to the physical education requirement for high school graduation. The new requirements no longer allow for a waiver of physical education requirements for participating in marching band, junior varsity or varsity high school sports, or Junior ROTC.

The bill reinserts these waiver options for students that participate in these activities and meet certain other requirements. For the waiver for participating in JV or Varsity sports, the student must also pass a competency test on personal fitness with a score of "C" or better, and for the waiver for participating in marching band the student must pass that class with or a physical activity class that requires participating in marching band with a grade of "C" or better.

C. SECTION DIRECTORY:

Section 1. Amends s. 20.15, revising and adding to the divisions of the Department of Education; providing name designations for the director of each division.

Section 2. Amends s. 145.19, F.S., relating to salary increases based on increase for state career service employees; adding cross-references to conform.

Section 3. Amends s. 1001.10, F.S., relating to the Commissioner of Education's powers and duties; providing legislative intent.

Section 4. Amends s. 1001.395, F.S.; revising the manner in which compensation of district school board members is determined; specifying base salary amounts.

Section 5. Amends s. 1001.42, F.S., relating to powers and duties of district school boards; revising requirements relating to policies for the opening and closing dates of schools.

Section 6. Amends s. 1001.47, F.S.; revising provisions relating to base salaries of district school superintendents.

Section 7. Amends s. 1003.02, F.S.; requiring certain district school boards to request proposals from photographers; requiring public access to information; allowing student choice of photographer; permitting the inclusion of certain photographs in student yearbooks.

Section 8. Amends s. 1003.413, F.S.; removing language relating to credit recovery courses.

Section 9. Amends s. 1003.428, F.S.; providing waivers to the physical education credit requirement for high school graduation; requiring policies to assist students in meeting graduation requirements; providing guidelines for district school board grade forgiveness policies.

Section 10. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

The cost of holding the required public hearing on the school start date will require minimal expenditures.¹⁴

The revisions to district school board member salary will have a minimal effect depending on the district's current salaries for its members. According to the Florida School Boards Association, most school boards in the state have continued to fund member salaries according to the same rate that they would have been without the revision in 2002.¹⁵

The revision to the base salary portion of the formula for district school superintendent salaries will involve a minimal increase in district school board expenditures in districts with an elected superintendent.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Proponents of a later school start date suggest that state tourism may benefit, as families with school-aged children would continue with vacation activities during late summer and therefore increase tourism related revenues or significantly reduce labor costs. An interim project report in 2003 by the Senate Committee on Commerce and Economic Opportunities did not find any increase in state tourism dollars with the imposition of a later start date; however, the report did indicate that there were

¹⁴ Florida Department of Education, 2007 Legislative Bill Analysis for HB 653.

¹⁵ FSBA also indicated that some districts had gone with a slightly lower salary than the formula would have required and a couple of districts had gone above the amount that the formula would have required. Such districts would experience a small increase or decrease in expenditures respectively.

data limitations and that the effect of later school start dates on Florida's economy needed further review.¹⁶

This bill may increase the number of students choosing to buy senior photos from vendors not under contract with the district school board.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

¹⁶ *Interim Report 2003-112*, the Florida Senate Committee on Commerce and Economic Opportunities.