



PreK-12 Innovation Subcommittee

March 14, 2017

9:30 AM

Mashburn Hall (306 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Innovation Subcommittee

Start Date and Time: Tuesday, March 14, 2017 09:30 am
End Date and Time: Tuesday, March 14, 2017 12:00 pm
Location: Mashburn Hall (306 HOB)
Duration: 2.50 hrs

Consideration of the following bill(s):

HB 591 Maximum Class Size by Massullo
HB 781 Designation of School Grades by Porter
HB 827 Teacher Bonuses by Porter
HB 1109 Private School Student Participation in Extracurricular Activities by Antone

NOTICE FINALIZED on 03/10/2017 4:15PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 591 Maximum Class Size
SPONSOR(S): Massullo and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 808

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs.

In 2003, the Florida Legislature enacted chapter 2003-391, Laws of Florida, which implements the provisions of the class-size amendment and defines the progress that districts must make in reducing class size.

Compliance with class size reduction requirements is calculated at the classroom level for traditional public schools and at the school level for charter schools, district-operated schools of choice and schools participating in the Principal Autonomy Pilot Program Initiative.

Districts and charter schools that are out of compliance with class size requirements have a reduction in class size categorical funding. Up to 25 percent of the reduction is reallocated to districts and charter schools that are in compliance with these requirements. The remaining balance is restored to districts and charter schools that are not in compliance but have submitted a certified plan to the Commissioner of Education explaining the actions the district or charter school will take to ensure compliance. The reallocations for traditional public schools, district-operated schools of choice and charter schools are each calculated separately based on their respective reduction amounts. In order for a district's traditional schools or district-operated schools of choice to qualify for the reallocation, all of its traditional schools and district-operated schools of choice must be in compliance with class size requirements.

The bill removes the exemptions for class size requirements and maintains class size compliance for each classroom but revises the method for calculating the penalty to be at the school average for any school that fails to comply with class size requirements. The bill repeals an increase in the penalty for failure to comply with the class size requirements and provides that a district may not have its class size categorical allocation reduced for the 2017-18 or 2018-19 fiscal year if it meets certain requirements.

The bill will result in a reduction in the amount deducted from a school district's class size reduction operating categorical.

See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Maximum Class Size

Present Situation

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment requires the Legislature, by the beginning of the 2010 school year, to make adequate provisions to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed:

- 18 students for prekindergarten through 3rd grade;
- 22 students for 4th through 8th grades; and
- 25 students for 9th through 12th grades.

Extracurricular courses are expressly excluded from the class size mandate; thus, its requirements apply only to core curricula courses, which are defined in s. 1003.01(14), F.S.

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-2004, for school districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved. Under the initial implementing statute¹, compliance with the class size requirements was to be measured at the:

- district level for each of the three grade groupings during FYs 2003-2006;
- school level for each of the three grade groupings in FYs 2006-2008;
- individual classroom level for each of the three grade groupings in FY 2008-2009 and thereafter.

The timeframe for measuring class size at the school level was extended twice. In 2008, the Legislature extended school level measurement through FY 2008-2009.² The next year, the Legislature extended this timeframe by one more year, thereby delaying measurement of class size at the individual classroom level until FY 2010-2011 and thereafter.³ Legislation enacted in 2010 established the compliance calculation for charter schools at the school level average.⁴ Legislation enacted in 2013 granted the same treatment to district-operated schools of choice⁵, and in 2016, granted the same treatment to schools participating in the Principal Autonomy Pilot Program Initiative (PAPPI).⁶

In 2013, the Legislature added a provision to exempt “blended learning courses” from the core courses required to be in compliance with class size.⁷

To implement the class size amendment, the Legislature annually appropriates class size reduction categorical funding for school district operating costs. Additionally, the Legislature has appropriated funds for capital outlay (facility) needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction. Since 2003, the Legislature has appropriated

¹ Section 2, ch. 2003-391, L.O.F.

² Section 5, ch. 2008-142, L.O.F.

³ Section 13, ch. 2009-59, L.O.F.

⁴ Section 1002.33(16)(b)3., F.S., as created in section 6, ch. 2010-154, L.O.F.

⁵ Section 1002.31(9), F.S., as created in section 9, ch. 2013-250, L.O.F.

⁶ Section 1011.6202(3)(b)7., F.S.

⁷ Section 1003.01(14), F.S., as modified in section 3, ch. 2013-225, L.O.F.

more than \$31.1 billion for operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

History of Funding for Class Size Reduction⁸			
Fiscal Year	Operating Funds	Facilities Funds	Total Funds
2003-2004	\$ 468,198,634	\$ 600,000,000	\$ 1,068,198,634
2004-2005	\$ 972,191,216	\$ 100,000,000	\$ 1,072,191,216
2005-2006	\$ 1,507,199,696	\$ 83,400,000	\$ 1,590,599,696
2006-2007	\$ 2,108,529,344	\$1,100,000,000	\$ 3,208,529,344
2007-2008	\$ 2,640,719,730	\$ 650,000,000	\$ 3,290,719,730
2008-2009	\$ 2,729,491,033	\$ -	\$ 2,729,491,033
2009-2010	\$ 2,845,578,849	\$ -	\$ 2,845,578,849
2010-2011	\$ 2,913,825,383	\$ -	\$ 2,913,825,383
2011-2012	\$ 2,927,464,879	\$ -	\$ 2,927,464,879
2012-2013	\$ 2,974,748,257	\$ -	\$ 2,974,748,257
2013-2014	\$ 2,974,766,164	\$ -	\$ 2,974,766,164
2014-2015	\$ 3,013,103,776	\$ -	\$ 3,013,103,776
2015-2016	\$ 3,040,910,760	\$ -	\$ 3,040,910,760
Total to Date	\$31,116,727,721	\$2,533,400,000	\$33,650,127,721

The Department of Education (DOE) is required to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements. The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools, district-operated schools of choice and innovation schools of technology. The penalties for traditional public schools and district-operated schools of choice are combined to make a total adjustment for each district. The DOE must calculate the penalty for traditional public schools out of compliance as follows:

- Step 1: Identify, for each grade grouping, the number of classrooms that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Step 2: Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Step 3: Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4: Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-14 FY.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4. The total number of FTE students over the maximum for all classes must be multiplied by 100 percent, rather than 50 percent, of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The reduced amount is the lesser of the DOE's calculation or the undistributed balance of the school district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the Commissioner of Education is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.⁹ Once the reduced amount is determined, after district appeals, the commissioner must prepare a reallocation of the funds made available as a bonus to districts that

⁸ Florida Department of Education, *Class Size Implementation Budget*, available at <http://www.fldoe.org/finance/budget/class-size/index.shtml>.

⁹ Section 1003.03(4)(c), F.S.

have fully met the class size requirements by calculating an amount that is up to five percent of the base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

History of Class Size Transfer (& Reallocation) Calculation for Traditional Public Schools				
		Pre-Appeals	Post-Appeals	After Plan
District	2003-04	\$21,488,179	\$1,479,948	
District	2004-05	\$11,354,475	\$1,076,719	
District	2005-06	\$5,222,735	\$496,059	
School	2006-07	\$7,836,834	\$3,273,943	
School	2007-08	\$5,330,411	\$333,302	
School	2008-09	\$1,396,108	\$0	
School	2009-10	\$1,912,030	\$267,263	
Classroom	2010-11	\$40,795,637	\$31,305,124	\$7,826,281
Classroom	2011-12	\$58,749,605	\$43,407,465	\$10,851,866
Classroom	2012-13	\$26,965,789	\$22,698,784	\$5,674,696
Classroom	2013-14	\$12,674,357	\$9,558,513	\$2,389,628
Classroom	2014-15	\$11,306,609	\$1,260,083	\$315,021
Classroom	2015-16	TBD	TBD	TBD
History of Class Size Transfer (& Reallocation) Calculation for Charter Schools				
		Pre-Appeals	Post-Appeals	After Plan
N/A	2003-04	\$0	\$0	
N/A	2004-05	\$0	\$0	
N/A	2005-06	\$0	\$0	
School	2006-07	\$6,831,504	\$2,724,878	
School	2007-08	\$802,515	\$194,836	
N/A	2008-09	\$0	\$0	
N/A	2009-10	\$0	\$0	
School	2010-11	\$2,292,191	\$355,539	\$88,885
School	2011-12	\$3,921,323	\$652,851	\$163,213
School	2012-13	\$1,570,397	\$431,345	\$107,836
School	2013-14	\$835,448	\$204,863	\$51,216
School	2014-15	\$2,789,830	\$562,397	\$140,599
School	2015-16	TBD	TBD	TBD
History of Class Size Transfer (& Reallocation) Calculation for Choice Schools				
		Pre-Appeals	Post-Appeals	After Plan
School	2013-14	\$1,129,183	\$475,592	\$118,898
School	2014-15	\$421,513	\$177,347	\$44,337
School	2015-16	TBD	TBD	TBD

School districts that fail to comply with the class size requirements must submit a plan certified by the district school board by February 1, which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.¹⁰

¹⁰ Section 1003.03(4)(e), F.S.

Effect of Proposed Changes

The bill revises the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating steps 2, 3, and 4 at the school average instead of at the classroom level. The bill removes the increase in the penalty. The bill also repeals an increase in the penalty calculation that began with the 2014-15 fiscal year, by returning the calculation to 50 percent of the base student allocation rather than 100 percent.

The bill removes the exemption from the class size requirement for charter schools, district-operated schools of choice, district innovation schools of technology program and PAPPI schools as the penalty for all schools will be calculated at the schoolwide average.

The bill provides that a district that has not complied with these requirements (based on the 2017-18 October student survey) and has timely submitted their certified plan (that describes future actions that will be taken for compliance) may not have its class size categorical allocation reduced for the 2017-18 and 2018-19 fiscal years. Districts have until the 2018-19 October student survey to comply with these requirements. The district must provide an updated plan by February 1, 2019, to the Commissioner of Education.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.31, F.S., exempting schools of choice from requirements relating to the class size.

Section 2: Amends s. 1002.33, F.S., exempting charter schools from requirements relating to the class size.

Section 3: Amends s. 1002.451, F.S., exempting the district innovation schools of technology program from requirements relating to the class size.

Section 4: Amends s. 1003.03, F.S., revising the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level; requiring the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance; repealing the reallocation funds to class size compliant districts; modifying a plan describing the actions the district will take in order to be in compliance; and adding a requirement for the district to publish, by school, compliance data and the compliance plan on the school district website.

Section 5: Provides an effective date of July 1, 2017.

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:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill revises the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level, so the amount deducted from a school district's class size reduction operating categorical will be reduced. The bill requires the district to spend the compliance funds within the school that is out of compliance to get the school to the class size maximum.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

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A bill to be entitled
 An act relating to maximum class size; amending s.
 1002.31, F.S.; deleting a provision relating to
 compliance with maximum class size requirements for
 certain public schools of choice; amending s. 1002.33,
 F.S.; revising requirements for charter school
 compliance with maximum class size requirements;
 amending s. 1002.451, F.S.; revising requirements for
 district innovation school of technology compliance
 with maximum class size requirements; amending s.
 1003.03, F.S.; calculating a school district's class
 size categorical allocation reduction at the school
 average when maximum class size requirements are not
 met; providing an exemption from the reduction of a
 school district's class size categorical allocation
 for specified fiscal years; requiring an updated plan
 for compliance with class size requirements from
 certain districts for a specified fiscal year;
 amending s. 1011.6202, F.S.; revising requirements for
 compliance with maximum class size requirements for a
 school participating in the Principal Autonomy Pilot
 Project Program; providing an effective date.

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

26 Section 1. Subsection (5) of section 1002.31, Florida
 27 Statutes, is amended to read:

28 1002.31 Controlled open enrollment; Public school parental
 29 choice.-

30 ~~(5) For a school or program that is a public school of~~
 31 ~~choice under this section, the calculation for compliance with~~
 32 ~~maximum class size pursuant to s. 1003.03(4) is the average~~
 33 ~~number of students at the school level.~~

34 Section 2. Paragraph (b) of subsection (16) of section
 35 1002.33, Florida Statutes, is amended to read:

36 1002.33 Charter schools.-

37 (16) EXEMPTION FROM STATUTES.-

38 (b) Additionally, a charter school shall be in compliance
 39 with the following statutes:

40 1. Section 286.011, relating to public meetings and
 41 records, public inspection, and criminal and civil penalties.

42 2. Chapter 119, relating to public records.

43 3. Section 1003.03, relating to the maximum class size,
 44 ~~except that the calculation for compliance pursuant to s.~~
 45 ~~1003.03 shall be the average at the school level.~~

46 4. Section 1012.22(1)(c), relating to compensation and
 47 salary schedules.

48 5. Section 1012.33(5), relating to workforce reductions.

49 6. Section 1012.335, relating to contracts with
 50 instructional personnel hired on or after July 1, 2011.

51 7. Section 1012.34, relating to the substantive
 52 requirements for performance evaluations for instructional
 53 personnel and school administrators.

54 Section 3. Paragraph (a) of subsection (5) of section
 55 1002.451, Florida Statutes, is amended to read:

56 1002.451 District innovation school of technology
 57 program.—

58 (5) EXEMPTION FROM STATUTES.—

59 (a) An innovation school of technology is exempt from
 60 chapters 1000-1013. However, an innovation school of technology
 61 shall comply with the following provisions of those chapters:

62 1. Laws pertaining to the following:

- 63 a. Schools of technology, including this section.
- 64 b. Student assessment program and school grading system.
- 65 c. Services to students who have disabilities.
- 66 d. Civil rights, including s. 1000.05, relating to
 67 discrimination.
- 68 e. Student health, safety, and welfare.

69 2. Laws governing the election and compensation of
 70 district school board members and election or appointment and
 71 compensation of district school superintendents.

72 3. Section 1003.03, governing maximum class size, ~~except~~
 73 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
 74 ~~the average at the school level.~~

75 4. Sections 1012.22(1)(c) and 1012.27(2), relating to

76 compensation and salary schedules.

77 5. Section 1012.33(5), relating to workforce reductions,
 78 for annual contracts for instructional personnel. This
 79 subparagraph does not apply to at-will employees.

80 6. Section 1012.335, relating to contracts with
 81 instructional personnel hired on or after July 1, 2011, for
 82 annual contracts for instructional personnel. This subparagraph
 83 does not apply to at-will employees.

84 7. Section 1012.34, relating to requirements for
 85 performance evaluations of instructional personnel and school
 86 administrators.

87 Section 4. Subsection (4) of section 1003.03, Florida
 88 Statutes, is amended to read:

89 1003.03 Maximum class size.—

90 (4) ACCOUNTABILITY.—

91 (a) If the department determines that the number of
 92 students assigned to any individual class exceeds the class size
 93 maximum, as required in subsection (1), based upon the October
 94 student membership survey, the department shall:

95 1. ~~Identify, for each grade group, the number of classes~~
 96 ~~in which the number of students exceeds the maximum and the~~
 97 ~~total number of students which exceeds the maximum for all~~
 98 ~~classes.~~

99 2. Determine the number of FTE students which exceeds the
 100 maximum for each grade group calculated at the school average.

101 2.3. Multiply the total number of FTE students which
 102 exceeds the maximum for each grade group calculated at the
 103 school average by the district's FTE dollar amount of the class
 104 size categorical allocation for that year and calculate the
 105 total for all three grade groups.

106 3.4. Multiply the total number of FTE students which
 107 exceeds the maximum for all classes calculated at the school
 108 average by an amount equal to 50 percent of the base student
 109 allocation adjusted by the district cost differential ~~for each~~
 110 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
 111 ~~equal to the base student allocation adjusted by the district~~
 112 ~~cost differential in the 2014-2015 fiscal year and thereafter.~~

113 4.5. Reduce the district's class size categorical
 114 allocation by an amount equal to the sum of the calculations in
 115 subparagraphs 2. and 3. ~~and 4.~~

116 (b) The amount of funds reduced shall be the lesser of the
 117 amount calculated in paragraph (a) or the undistributed balance
 118 of the district's class size categorical allocation. The Florida
 119 Education Finance Program Appropriation Allocation Conference
 120 shall verify the department's calculation in paragraph (a). The
 121 commissioner may withhold distribution of the class size
 122 categorical allocation to the extent necessary to comply with
 123 paragraph (a).

124 (c) In lieu of the reduction calculation in paragraph (a),
 125 if the Commissioner of Education has evidence that a district

126 | was unable to meet the class size requirements despite
 127 | appropriate efforts to do so or because of an extreme emergency,
 128 | the commissioner may recommend by February 15, subject to
 129 | approval of the Legislative Budget Commission, the reduction of
 130 | an alternate amount of funds from the district's class size
 131 | categorical allocation.

132 | (d) Upon approval of the reduction calculation in
 133 | paragraphs (a)-(c), the commissioner must prepare a reallocation
 134 | of the funds made available for the districts that have fully
 135 | met the class size requirements. The funds shall be reallocated
 136 | by calculating an amount of up to 5 percent of the base student
 137 | allocation multiplied by the total district FTE students. The
 138 | reallocation total may not exceed 25 percent of the total funds
 139 | reduced.

140 | (e) Each district that has not complied with the
 141 | requirements in subsection (1) shall submit to the commissioner
 142 | by February 1 a plan certified by the district school board that
 143 | describes the specific actions the district will take in order
 144 | to fully comply with the requirements in subsection (1) by
 145 | October of the following school year. If a district submits the
 146 | certified plan by the required deadline, the funds remaining
 147 | after the reallocation calculation in paragraph (d) shall be
 148 | added back to the district's class size categorical allocation
 149 | based on each qualifying district's proportion of the total
 150 | reduction for all qualifying districts for which a reduction was

151 calculated in paragraphs (a)-(c). However, no district shall
152 have an amount added back that is greater than the amount that
153 was reduced.

154 (f) The department shall adjust school district class size
155 reduction categorical allocation distributions based on the
156 calculations in paragraphs (a)-(e).

157 (g) A district that has not complied with the requirements
158 in subsection (1) based on the October student membership survey
159 for the 2017-2018 school year and has timely submitted the
160 required plan under paragraph (e) may not have its class size
161 categorical allocation reduced for the 2017-2018 and 2018-2019
162 fiscal years. The district shall have until the October student
163 membership survey for the 2018-2019 school year to comply with
164 subsection (1); however, the district must provide an updated
165 plan by February 1, 2019, to the commissioner to ensure the
166 district is working to comply with the requirements of
167 subsection (1).

168 Section 5. Paragraph (b) of subsection (3) of section
169 1011.6202, Florida Statutes, is amended to read:

170 1011.6202 Principal Autonomy Pilot Program Initiative.—The
171 Principal Autonomy Pilot Program Initiative is created within
172 the Department of Education. The purpose of the pilot program is
173 to provide the highly effective principal of a participating
174 school with increased autonomy and authority to operate his or
175 her school in a way that produces significant improvements in

176 student achievement and school management while complying with
 177 constitutional requirements. The State Board of Education may,
 178 upon approval of a principal autonomy proposal, enter into a
 179 performance contract with up to seven district school boards for
 180 participation in the pilot program.

181 (3) EXEMPTION FROM LAWS.—

182 (b) A participating school shall comply with the
 183 provisions of chapters 1000-1013, and rules of the state board
 184 that implement those provisions, pertaining to the following:

185 1. Those laws relating to the election and compensation of
 186 district school board members, the election or appointment and
 187 compensation of district school superintendents, public meetings
 188 and public records requirements, financial disclosure, and
 189 conflicts of interest.

190 2. Those laws relating to the student assessment program
 191 and school grading system, including chapter 1008.

192 3. Those laws relating to the provision of services to
 193 students with disabilities.

194 4. Those laws relating to civil rights, including s.
 195 1000.05, relating to discrimination.

196 5. Those laws relating to student health, safety, and
 197 welfare.

198 6. Section 1001.42(4)(f), relating to the uniform opening
 199 date for public schools.

200 7. Section 1003.03, governing maximum class size, ~~except~~

201 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
 202 ~~the average at the school level for a participating school.~~

203 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
 204 compensation and salary schedules.

205 9. Section 1012.33(5), relating to workforce reductions
 206 for annual contracts for instructional personnel. This
 207 subparagraph does not apply to at-will employees.

208 10. Section 1012.335, relating to annual contracts for
 209 instructional personnel hired on or after July 1, 2011. This
 210 subparagraph does not apply to at-will employees.

211 11. Section 1012.34, relating to personnel evaluation
 212 procedures and criteria.

213 12. Those laws pertaining to educational facilities,
 214 including chapter 1013, except that s. 1013.20, relating to
 215 covered walkways for relocatables, and s. 1013.21, relating to
 216 the use of relocatable facilities exceeding 20 years of age, are
 217 eligible for exemption.

218 13. Those laws pertaining to participating school
 219 districts, including this section and ss. 1011.69(2) and
 220 1012.28(8).

221 Section 6. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 781 Designation of School Grades

SPONSOR(S): Porter

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

School grades are used to explain 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 or whether a school is eligible for school recognition funds as appropriated by the Legislature. School grades identify schools as having an A through F grade and are determined annually. Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the grading model.

A school that serves any combination of K-3 students, that does not receive a school grade as a result of its students not being tested and included in the school grading system, receives the school grade of a K-3 feeder pattern school determined by the Department of Education and verified by the district. A school feeder pattern exists if at least 60 percent of the students are assigned to the graded school.

The bill revises the number of students required to establish a school feeder pattern from 60 percent to a majority.

No fiscal impact to state government.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.¹ School grades are also used to determine whether a school must select or implement a turnaround option² or whether a school is eligible for school recognition funds as appropriated by the Legislature.³

The annual reports must identify schools as having one of the following grades:

- "A," for schools making excellent progress – 62% or higher of total points.
- "B," for schools making above average progress – 54% to 61% of total points.
- "C," for schools making satisfactory progress – 41% to 53% of total points.
- "D," for schools making less than satisfactory progress – 32% to 40% of total points.
- "F," for schools failing to make adequate progress – 31% or less of total points.⁴

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁵ Combination school models include the additional components for the grades served (e.g., a school serving grades K through 12 would include the additional components for the middle and high school models).

School Grades Models							
Basic/Elementary (700 Points)			Middle School (Basic +200 Points)		High School (Basic +300 Points)		
English Language Arts	Mathematics	Science	Civics EOC Assessment	Acceleration Success	U.S. History EOC Assessment	Graduation Rate	Acceleration Success
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Percentage of students who pass high school EOC assessments & industry certifications (0% to 100%)	Achievement (0% to 100%)	Overall, 4-year graduation rate (0% to 100%)	Percent of students eligible to earn college credit through AP, IB, AICE, dual enrollment, or earn industry certification (0% to 100%) ⁶
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)						
Learning Gains of Low 25% (0% to 100%)	Learning Gains of Low 25% (0% to 100%)						

A school's grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for a component, it will receive a school grade based only on the remaining components.⁷

¹ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

² See s. 1008.33(4), F.S.

³ See s. 1008.26, F.S.

⁴ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁵ See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

⁶ Other assessments used to measure college readiness, such as the Postsecondary Education Readiness Test and the College Level Examination Program, are not included in the Acceleration Success component of the school grading formula.

A school that serves any combination of K-3 students, that does not receive a school grade as a result of its students not being tested and included in the school grading system, receives the school grade of a K-3 feeder pattern school determined by the Department of Education and verified by the district. A school feeder pattern exists if at least 60 percent of the students are scheduled to be assigned to the graded school.⁸

Effect of Proposed Changes

The bill revises the number of students required to establish a school feeder pattern from 60 percent of students scheduled to be assigned, to a majority of students scheduled to be assigned to the graded school.

B. SECTION DIRECTORY:

Section 1. Amends s. 1008.34, F.S., relating to the school grading system, schools report cards and the district grade.

Section 2. Provides and effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

⁷ See s. 1008.34(3)(a), F.S.

⁸ Section 1008.34(3)(a)2, F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1 A bill to be entitled
2 An act relating to designation of school grades;
3 amending s. 1008.34, F.S.; revising the requirements
4 for certain schools to receive a school grade
5 designation of a K-3 feeder pattern school; providing
6 that a majority of students must be scheduled to be
7 assigned to a certain school for a feeder pattern to
8 exist; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (a) of subsection (3) of section
13 1008.34, Florida Statutes, is amended to read:

14 1008.34 School grading system; school report cards;
15 district grade.—

16 (3) DESIGNATION OF SCHOOL GRADES.—

17 (a) Each school must assess at least 95 percent of its
18 eligible students, except as provided under s. 1008.341 for
19 alternative schools. Each school shall receive a school grade
20 based on the school's performance on the components listed in
21 subparagraphs (b)1. and 2. If a school does not have at least 10
22 students with complete data for one or more of the components
23 listed in subparagraphs (b)1. and 2., those components may not
24 be used in calculating the school's grade.

25 1. An alternative school may choose to receive a school

26 grade under this section or a school improvement rating under s.
 27 1008.341. For charter schools that meet the definition of an
 28 alternative school pursuant to State Board of Education rule,
 29 the decision to receive a school grade is the decision of the
 30 charter school governing board.

31 2. A school that serves any combination of students in
 32 kindergarten through grade 3 that does not receive a school
 33 grade because its students are not tested and included in the
 34 school grading system shall receive the school grade designation
 35 of a K-3 feeder pattern school identified by the Department of
 36 Education and verified by the school district. A school feeder
 37 pattern exists if a majority ~~at least 60 percent~~ of the students
 38 in the school serving a combination of students in kindergarten
 39 through grade 3 are scheduled to be assigned to the graded
 40 school.

41 3. If a collocated school does not earn a school grade or
 42 school improvement rating for the performance of its students,
 43 the student performance data of all schools operating at the
 44 same facility must be aggregated to develop a school grade that
 45 will be assigned to all schools at that location. A collocated
 46 school is a school that has its own unique master school
 47 identification number, provides for the education of each of its
 48 enrolled students, and operates at the same facility as another
 49 school that has its own unique master school identification
 50 number and provides for the education of each of its enrolled

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2017

51 | students.

52 | Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 827 Teacher Bonuses
SPONSOR(S): Porter and others
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

School districts that provide International Baccalaureate (IB), Advanced International Certificate of Education (AICE), Advanced Placement (AP) and Career and Professional Education (CAPE) courses receive additional funding based on students achievement in the specific course.

Individual teachers of IB, AICE, AP, and CAPE courses are awarded bonuses from portions of the additional funds for students who achieve specific result in the course.

Depending on specific circumstances, a teacher's bonus for an IB, AICE, AP or CAPE course may not exceed either \$2,000 or \$3,000 per year.

The bill removes the annual teacher bonus limits for IB, AICE, AP and CAPE courses.

There is no fiscal impact to the state.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Legislature allocates public education funding to Florida's 67 school districts through the Florida Education Finance Program (FEFP). The FEFP is a funding formula that uses student participation in specific education programs, local property tax bases, varying costs of living, and varying costs of equivalent education programs due to scarcity and dispersion of the student population to determine a school district's share of public education funding. The FEFP is the primary mechanism for funding the operating costs of Florida school districts, which among other things, includes the payment of teacher salaries.¹

Teachers of IB, AICE and AP courses are awarded bonuses for students who earn specified scores on the course examinations.²

Yearly Teacher per-Student Bonuses by Advanced Course			
	IB	AP	AICE
Half Credit			\$25
Full Credit	\$50	\$50	\$50
Full Credit D Or F School	\$500 (per teacher)	\$500 (per teacher)	\$500 (per teacher)
Half Credit D Or F School			\$250 (per teacher)
Max if 50% earn 3 or higher (25% for D or F School)	\$3,000	\$3,000	\$2,000
Max if Not met	\$2,000	\$2,000	\$2,000

International Baccalaureate Bonus

Each school district receives additional funding in the amount of 0.16 weighted full-time equivalent student membership (FTE) for each student enrolled in an International Baccalaureate (IB) course who

¹ See s. 1011.60, F.S. The performance salary schedule is funded from the same sources used to pay instructional personnel and school administrators under the grandfathered salary schedule.

² Section 1011.62(1)(l)-(n), F.S.; *International Baccalaureate*, <http://www.ibo.org> (last visited Apr. 18, 2016); University of Cambridge, International Examinations, *Cambridge Advanced International Certificate of Education Diploma*, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Apr. 18, 2016); College Board, *Advanced Placement Program*, <http://www.collegeboard.com/student/testing/ap/about.html> (last visited Apr. 18, 2016).

receives a score of 4 or higher on the subject exam and 0.3 weighted FTE for each student who receives an IB diploma. The school district receives the additional funding in the following school year. Each school district must allocate 80 percent of the additional funding to the program where the funds were generated and to programs that prepare prospective students to enroll in IB courses.³

An IB teacher receives a \$50 bonus, from the additional FTE funds generated, for each student who scores 4 or higher on the IB examination. An IB teacher in a “D” or “F” school who has at least one student scoring 4 or higher on the IB examination receives an additional \$500 bonus.⁴ The bonus awarded to a teacher may not exceed \$2,000 in any given school year; however, the maximum bonus may be \$3,000 if, in a school designated with a grade of “A,” “B” or “C,” at least 50 percent of the students enrolled in the teacher’s course earn a score of 4 or higher on the examination or if, in a school designated with a grade of “D” or “F,” at least 25 percent of the students enrolled in the teacher’s course earn a score of 4 or higher.⁵

Effect of Proposed Changes

The bill removes the \$2,000 and \$3,000 yearly IB teacher bonus limits.

Present Situation

Advanced International Certificate of Education Bonus

Each school district receives additional funding in the amount of 0.16 weighted FTE for each student enrolled in an Advanced International Certificate of Education (AICE) course who receives a score of “E” or higher on the subject exam, 0.08 weighted FTE for each student enrolled in a half-credit AICE course who receives an “E” or higher and 0.3 weighted FTE for each student who receives an AICE diploma. The school district receives the additional funding in the following school year.⁶

An AICE teacher receives a \$50 bonus, from the additional FTE funds generated, for each student in a full-credit AICE course, or \$25 bonus for a student in a half-credit AICE course, who scores “E” or higher on the AICE examination. An AICE teacher in a “D” or “F” school receives an additional \$500 bonus if one of the teacher’s students scores “E” or higher on the full-credit AICE examination, or a \$250 bonus for each half-credit AICE course taught which has at least one student scoring “E” or higher on the half-credit AICE examination, not to exceed an additional \$500 bonus.⁷ The bonus awarded to a teacher may not exceed \$2,000 in any given school year.⁸

Effect of Proposed Changes

The bill removes the \$500 half-credit yearly AICE teacher bonus limit and the \$2,000 yearly teacher bonus limit.

³ Section 1011.62(1)(l), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Section 1011.62(1)(m), F.S.

⁷ *Id.*

⁸ *Id.*

Present Situation

Advanced Placement Bonus

Each school district receives additional funding in the amount of 0.16 weighted FTE for each student enrolled in an Advanced Placement (AP) course who receives a score of 3 or higher on the College Board Advanced Placement Exam. Each school district must allocate 80 percent of the additional funding to the school that generated the funds for AP instruction.⁹

An AP teacher receives a \$50 bonus, from the additional FTE funds generated, for each of his or her students who scores 3 or higher on the College Board AP examination. An AP teacher in a “D” or “F” school who has at least one student scoring 3 or higher on the College Board AP examination receives an additional \$500 bonus.¹⁰ The bonus awarded to a teacher may not exceed \$2,000 in any given school year; however, the maximum bonus may be \$3,000 if, in a school designated with a grade of “A,” “B” or “C,” at least 50 percent of the students enrolled in the teacher’s course earn a score of 3 or higher on the examination or if, in a school designated with a grade of “D” or “F,” at least 25 percent of the students enrolled in the teacher’s course earn a score of 3 or higher.¹¹

Effect of Proposed Changes

The bill removes the \$2,000 and \$3,000 yearly AP teacher bonus limits.

Present Situation

Additional Bonuses

Teachers of courses that lead to the attainment of a Career and Professional Education (CAPE) industry certification receive an additional bonus. Depending on the certification earned, a school district receives bonus funding of 0.1, 0.2, 0.3, 0.5, or 1.0 weighted FTE. At least 80 percent of the additional funding received by the district must be allocated to the program that generated the funding.¹² Teacher bonus funding is awarded, from the additional FTE funds generated, for each student taught by a teacher who provided instruction in a course that led to the student’s attainment of a CAPE industry certification on the CAPE Industry Certification Funding List, as follows:

- A bonus in the amount of \$25 is awarded for a course with a weight of 0.1.¹³
- A bonus in the amount of \$50 is awarded for a course with a weight of 0.2.¹⁴
- A bonus in the amount of \$75 is awarded for a course with a weight of 0.3.¹⁵
- A bonus in the amount of \$100 is awarded for a course with a weight of 0.5 or 1.0.¹⁶

CAPE industry certification bonuses may not exceed \$3,000 to a teacher in any given school year.¹⁷

⁹ Section 1011.62(1)(n), F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² Section 1011.62 (1)(o), F.S.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1011.62(1)(o), F.S.

¹⁶ *Id.*

¹⁷ *Id.*

Yearly Teacher per-Student CAPE Bonuses		
Weight	Type	Amount
0.1 FTE	CAPE Industry Cert Does Not Articulate	\$25
0.2 FTE	CAPE Industry Cert Articulates to College Credit	\$50
0.3 FTE	CAPE Innovation Course ¹⁸	\$75
0.5 FTE	CAPE Acceleration Industry Cert Articulates to 15-29 College Credit Hours ¹⁹	\$100
1.0 FTE	CAPE Acceleration Industry Cert Articulates to 30+ College Credit Hours	\$100
Max Yearly CAPE Bonus		\$3,000

Effect of Proposed Changes

The bill removes the \$3,000 CAPE industry certification teacher bonus limit.

B. SECTION DIRECTORY:

Section 1. Amends s. 1011.62, F.S., regarding operating funds of schools.

Section 2. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹⁸ A CAPE Innovation course is one of up to five courses annually approved by the Commissioner of Education that combines academic career content and incorporates at least two third-party assessments that, if completed successfully by the student, articulate to college credit. See s. 1003.4203(5)(a), F.S. For a list of approved courses, see Florida Department of Education, *CAPE Innovation Courses*, <http://www.fl DOE.org/academics/career-adult-edu/cape-secondary/innovation.shtml> (last visited May 2, 2016).

¹⁹ A CAPE Acceleration industry certification is one annually approved by the Commissioner of Education that articulates to 15 or more college credits. See s. 101.62(5)(b), F.S.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1 A bill to be entitled
 2 An act relating to teacher bonuses; amending s.
 3 1011.62, F.S.; deleting provisions relating to caps
 4 imposed on the amounts of bonuses awarded to teachers
 5 based on student performance on certain course
 6 examinations; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraphs (l) through (o) of subsection (1) of
 11 section 1011.62, Florida Statutes, are amended to read:

12 1011.62 Funds for operation of schools.—If the annual
 13 allocation from the Florida Education Finance Program to each
 14 district for operation of schools is not determined in the
 15 annual appropriations act or the substantive bill implementing
 16 the annual appropriations act, it shall be determined as
 17 follows:

18 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 19 OPERATION.—The following procedure shall be followed in
 20 determining the annual allocation to each district for
 21 operation:

22 (1) Calculation of additional full-time equivalent
 23 membership based on International Baccalaureate examination
 24 scores of students.—A value of 0.16 full-time equivalent student
 25 membership shall be calculated for each student enrolled in an

26 International Baccalaureate course who receives a score of 4 or
 27 higher on a subject examination. A value of 0.3 full-time
 28 equivalent student membership shall be calculated for each
 29 student who receives an International Baccalaureate diploma.
 30 Such value shall be added to the total full-time equivalent
 31 student membership in basic programs for grades 9 through 12 in
 32 the subsequent fiscal year. Each school district shall allocate
 33 80 percent of the funds received from International
 34 Baccalaureate bonus FTE funding to the school program whose
 35 students generate the funds and to school programs that prepare
 36 prospective students to enroll in International Baccalaureate
 37 courses. Funds shall be expended solely for the payment of
 38 allowable costs associated with the International Baccalaureate
 39 program. Allowable costs include International Baccalaureate
 40 annual school fees; International Baccalaureate examination
 41 fees; salary, benefits, and bonuses for teachers and program
 42 coordinators for the International Baccalaureate program and
 43 teachers and coordinators who prepare prospective students for
 44 the International Baccalaureate program; supplemental books;
 45 instructional supplies; instructional equipment or instructional
 46 materials for International Baccalaureate courses; other
 47 activities that identify prospective International Baccalaureate
 48 students or prepare prospective students to enroll in
 49 International Baccalaureate courses; and training or
 50 professional development for International Baccalaureate

51 teachers. School districts shall allocate the remaining 20
52 percent of the funds received from International Baccalaureate
53 bonus FTE funding for programs that assist academically
54 disadvantaged students to prepare for more rigorous courses. The
55 school district shall distribute to each classroom teacher who
56 provided International Baccalaureate instruction:

57 1. A bonus in the amount of \$50 for each student taught by
58 the International Baccalaureate teacher in each International
59 Baccalaureate course who receives a score of 4 or higher on the
60 International Baccalaureate examination.

61 2. An additional bonus of \$500 to each International
62 Baccalaureate teacher in a school designated with a grade of "D"
63 or "F" who has at least one student scoring 4 or higher on the
64 International Baccalaureate examination, regardless of the
65 number of classes taught or of the number of students scoring a
66 4 or higher on the International Baccalaureate examination.

67
68 ~~Bonuses awarded to a teacher according to this paragraph may not~~
69 ~~exceed \$2,000 in any given school year. However, the maximum~~
70 ~~bonus shall be \$3,000 if at least 50 percent of the students~~
71 ~~enrolled in a teacher's course earn a score of 4 or higher on~~
72 ~~the examination in a school designated with a grade of "A," "B,"~~
73 ~~or "C"; or if at least 25 percent of the students enrolled in a~~
74 ~~teacher's course earn a score of 4 or higher on the examination~~
75 ~~in a school designated with a grade of "D" or "F." Bonuses~~

76 awarded under this paragraph shall be in addition to any regular
 77 wage or other bonus the teacher received or is scheduled to
 78 receive. For such courses, the teacher shall earn an additional
 79 bonus of \$50 for each student who has a qualifying score ~~up to~~
 80 ~~the maximum of \$3,000 in any given school year.~~

81 (m) Calculation of additional full-time equivalent
 82 membership based on Advanced International Certificate of
 83 Education examination scores of students.—A value of 0.16 full-
 84 time equivalent student membership shall be calculated for each
 85 student enrolled in a full-credit Advanced International
 86 Certificate of Education course who receives a score of E or
 87 higher on a subject examination. A value of 0.08 full-time
 88 equivalent student membership shall be calculated for each
 89 student enrolled in a half-credit Advanced International
 90 Certificate of Education course who receives a score of E or
 91 higher on a subject examination. A value of 0.3 full-time
 92 equivalent student membership shall be calculated for each
 93 student who receives an Advanced International Certificate of
 94 Education diploma. Such value shall be added to the total full-
 95 time equivalent student membership in basic programs for grades
 96 9 through 12 in the subsequent fiscal year. The school district
 97 shall distribute to each classroom teacher who provided Advanced
 98 International Certificate of Education instruction:

- 99 1. A bonus in the amount of \$50 for each student taught by
 100 the Advanced International Certificate of Education teacher in

101 each full-credit Advanced International Certificate of Education
102 course who receives a score of E or higher on the Advanced
103 International Certificate of Education examination. A bonus in
104 the amount of \$25 for each student taught by the Advanced
105 International Certificate of Education teacher in each half-
106 credit Advanced International Certificate of Education course
107 who receives a score of E or higher on the Advanced
108 International Certificate of Education examination.

109 2. An additional bonus of \$500 to each Advanced
110 International Certificate of Education teacher in a school
111 designated with a grade of "D" or "F" who has at least one
112 student scoring E or higher on the full-credit Advanced
113 International Certificate of Education examination, regardless
114 of the number of classes taught or of the number of students
115 scoring an E or higher on the full-credit Advanced International
116 Certificate of Education examination.

117 3. Additional bonuses of \$250 each to teachers of half-
118 credit Advanced International Certificate of Education classes
119 in a school designated with a grade of "D" or "F" which has at
120 least one student scoring an E or higher on the half-credit
121 Advanced International Certificate of Education examination in
122 that class. ~~The maximum additional bonus for a teacher awarded~~
123 ~~in accordance with this subparagraph shall not exceed \$500 in~~
124 ~~any given school year.~~ Teachers receiving an award under
125 subparagraph 2. are not eligible for a bonus under this

126 subparagraph.

127

128 Bonuses awarded to a teacher according to this paragraph ~~shall~~
 129 ~~not exceed \$2,000 in any given school year and~~ shall be in
 130 addition to any regular wage or other bonus the teacher received
 131 or is scheduled to receive.

132 (n) Calculation of additional full-time equivalent
 133 membership based on college board advanced placement scores of
 134 students.—A value of 0.16 full-time equivalent student
 135 membership shall be calculated for each student in each advanced
 136 placement course who receives a score of 3 or higher on the
 137 College Board Advanced Placement Examination for the prior year
 138 and added to the total full-time equivalent student membership
 139 in basic programs for grades 9 through 12 in the subsequent
 140 fiscal year. Each district must allocate at least 80 percent of
 141 the funds provided to the district for advanced placement
 142 instruction, in accordance with this paragraph, to the high
 143 school that generates the funds. The school district shall
 144 distribute to each classroom teacher who provided advanced
 145 placement instruction:

146 1. A bonus in the amount of \$50 for each student taught by
 147 the Advanced Placement teacher in each advanced placement course
 148 who receives a score of 3 or higher on the College Board
 149 Advanced Placement Examination.

150 2. An additional bonus of \$500 to each Advanced Placement

151 teacher in a school designated with a grade of "D" or "F" who
 152 has at least one student scoring 3 or higher on the College
 153 Board Advanced Placement Examination, regardless of the number
 154 of classes taught or of the number of students scoring a 3 or
 155 higher on the College Board Advanced Placement Examination.

156
 157 ~~Bonuses awarded to a teacher according to this paragraph shall~~
 158 ~~not exceed \$2,000 in any given school year. However, the maximum~~
 159 ~~bonus shall be \$3,000 if at least 50 percent of the students~~
 160 ~~enrolled in a teacher's course earn a score of 3 or higher on~~
 161 ~~the examination in a school with a grade of "A," "B," or "C" or~~
 162 ~~if at least 25 percent of the students enrolled in a teacher's~~
 163 ~~course earn a score of 3 or higher on the examination in a~~
 164 ~~school with a grade of "D" or "F."~~ Bonuses awarded under this
 165 paragraph shall be in addition to any regular wage or other
 166 bonus the teacher received or is scheduled to receive. For such
 167 courses, the teacher shall earn an additional bonus of \$50 for
 168 each student who has a qualifying score ~~up to the maximum of~~
 169 ~~\$3,000 in any given school year.~~

170 (o) Calculation of additional full-time equivalent
 171 membership based on successful completion of a career-themed
 172 course pursuant to ss. 1003.491, 1003.492, and 1003.493, or
 173 courses with embedded CAPE industry certifications or CAPE
 174 Digital Tool certificates, and issuance of industry
 175 certification identified on the CAPE Industry Certification

176 Funding List pursuant to rules adopted by the State Board of
 177 Education or CAPE Digital Tool certificates pursuant to s.
 178 1003.4203.—

179 1.a. A value of 0.025 full-time equivalent student
 180 membership shall be calculated for CAPE Digital Tool
 181 certificates earned by students in elementary and middle school
 182 grades.

183 b. A value of 0.1 or 0.2 full-time equivalent student
 184 membership shall be calculated for each student who completes a
 185 course as defined in s. 1003.493(1)(b) or courses with embedded
 186 CAPE industry certifications and who is issued an industry
 187 certification identified annually on the CAPE Industry
 188 Certification Funding List approved under rules adopted by the
 189 State Board of Education. A value of 0.2 full-time equivalent
 190 membership shall be calculated for each student who is issued a
 191 CAPE industry certification that has a statewide articulation
 192 agreement for college credit approved by the State Board of
 193 Education. For CAPE industry certifications that do not
 194 articulate for college credit, the Department of Education shall
 195 assign a full-time equivalent value of 0.1 for each
 196 certification. Middle grades students who earn additional FTE
 197 membership for a CAPE Digital Tool certificate pursuant to sub-
 198 subparagraph a. may not use the previously funded examination to
 199 satisfy the requirements for earning an industry certification
 200 under this sub-subparagraph. Additional FTE membership for an

201 elementary or middle grades student may not exceed 0.1 for
 202 certificates or certifications earned within the same fiscal
 203 year. The State Board of Education shall include the assigned
 204 values on the CAPE Industry Certification Funding List under
 205 rules adopted by the state board. Such value shall be added to
 206 the total full-time equivalent student membership for grades 6
 207 through 12 in the subsequent year. CAPE industry certifications
 208 earned through dual enrollment must be reported and funded
 209 pursuant to s. 1011.80. However, if a student earns a
 210 certification through a dual enrollment course and the
 211 certification is not a fundable certification on the
 212 postsecondary certification funding list, or the dual enrollment
 213 certification is earned as a result of an agreement between a
 214 school district and a nonpublic postsecondary institution, the
 215 bonus value shall be funded in the same manner as other nondual
 216 enrollment course industry certifications. In such cases, the
 217 school district may provide for an agreement between the high
 218 school and the technical center, or the school district and the
 219 postsecondary institution may enter into an agreement for
 220 equitable distribution of the bonus funds.

221 c. A value of 0.3 full-time equivalent student membership
 222 shall be calculated for student completion of the courses and
 223 the embedded certifications identified on the CAPE Industry
 224 Certification Funding List and approved by the commissioner
 225 pursuant to ss. 1003.4203(5)(a) and 1008.44.

226 d. A value of 0.5 full-time equivalent student membership
 227 shall be calculated for CAPE Acceleration Industry
 228 Certifications that articulate for 15 to 29 college credit
 229 hours, and 1.0 full-time equivalent student membership shall be
 230 calculated for CAPE Acceleration Industry Certifications that
 231 articulate for 30 or more college credit hours pursuant to CAPE
 232 Acceleration Industry Certifications approved by the
 233 commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

234 2. Each district must allocate at least 80 percent of the
 235 funds provided for CAPE industry certification, in accordance
 236 with this paragraph, to the program that generated the funds.
 237 This allocation may not be used to supplant funds provided for
 238 basic operation of the program.

239 3. For CAPE industry certifications earned in the 2013-
 240 2014 school year and in subsequent years, the school district
 241 shall distribute to each classroom teacher who provided direct
 242 instruction toward the attainment of a CAPE industry
 243 certification that qualified for additional full-time equivalent
 244 membership under subparagraph 1.:

245 a. A bonus of \$25 for each student taught by a teacher who
 246 provided instruction in a course that led to the attainment of a
 247 CAPE industry certification on the CAPE Industry Certification
 248 Funding List with a weight of 0.1.

249 b. A bonus of \$50 for each student taught by a teacher who
 250 provided instruction in a course that led to the attainment of a

251 CAPE industry certification on the CAPE Industry Certification
 252 Funding List with a weight of 0.2.

253 c. A bonus of \$75 for each student taught by a teacher who
 254 provided instruction in a course that led to the attainment of a
 255 CAPE industry certification on the CAPE Industry Certification
 256 Funding List with a weight of 0.3.

257 d. A bonus of \$100 for each student taught by a teacher
 258 who provided instruction in a course that led to the attainment
 259 of a CAPE industry certification on the CAPE Industry
 260 Certification Funding List with a weight of 0.5 or 1.0.

261
 262 Bonuses awarded pursuant to this paragraph shall be provided to
 263 teachers who are employed by the district in the year in which
 264 the additional FTE membership calculation is included in the
 265 calculation. Bonuses shall be calculated based upon the
 266 associated weight of a CAPE industry certification on the CAPE
 267 Industry Certification Funding List for the year in which the
 268 certification is earned by the student. Any bonus awarded to a
 269 teacher under this paragraph ~~may not exceed \$3,000 in any given~~
 270 ~~school year and~~ is in addition to any regular wage or other
 271 bonus the teacher received or is scheduled to receive.

272 Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1109 Private School Student Participation in Extracurricular Activities
SPONSOR(S): Antone
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1302

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer	Healy
2) Education Committee			

SUMMARY ANALYSIS

Each district school board, charter school and private school must establish in its code of student conduct eligibility standards and student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities.

Home education students, charter school students, full-time Florida Virtual School students and private school students who participate in extracurricular activities for a public school are subject to the school district's code of student conduct for purposes of eligibility.

While district school boards have the authority and responsibility for student eligibility, the Florida High School Athletics Association (FHSAA) retains jurisdiction over, among other things, membership in the FHSAA and school eligibility. The FHSAA bylaws require member schools to comply with all FHSAA bylaws and administrative policies and procedures.

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and has an enrollment of less than 125 students.

The bill revises private school student eligibility by allowing a student in a non-FHSAA member private school to participate in interscholastic or intrascholastic activities at the school where the student could choose to attend pursuant to controlled open enrollment, in addition to the student's zoned school which is currently permitted by law.

This bill does not have a fiscal impact on state or local governments

This bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Each district school board, charter school and private school must establish, in its code of student conduct, eligibility standards and student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. The code must at least provide that:

- a student not suspended or expelled is eligible to participate in interscholastic athletics;
- a student's eligibility to participate in an interscholastic or intrascholastic activity may not be affected by recruiting allegations until a final determination has been reached;
- a student may not participate in any interscholastic or intrascholastic activity if the student participated in that same sport at another school during the same school year unless the student:
 - is a dependent child of active duty military personnel whose move resulted from military orders;
 - has been relocated due to a foster care placement in a different school zone;
 - has moved due to a court-ordered change in custody due to separation or divorce or the serious illness or death of a custodial parent; or
 - is authorized for good cause in district or charter school policy.¹

Home education students, charter school students, full-time Florida Virtual School students, and private school students who participate in extracurricular activities for a public school are subject to the school district's code of student conduct for purposes of eligibility.

While district school boards have the authority and responsibility for student eligibility, the Florida High School Athletics Association (FHSAA) retains jurisdiction over, among other things, membership in the FHSAA and school eligibility.² The FHSAA bylaws require member schools to comply with all FHSAA bylaws and administrative policies and procedures.³ Each member school must, as a condition to membership in FHSAA, annually adopt the bylaws as the rules governing its interscholastic athletic programs.⁴ Such adoption acts as a contract between FHSAA and the member school.⁵ Member schools that violate the bylaws are subject to disciplinary action determined to be appropriate by FHSAA.⁶ To be eligible for participation in interscholastic extracurricular activities under the FHSAA, a high school student⁷ must:

- maintain either a 2.0 grade point average (GPA) or above on a 4.0 scale in the semester preceding participation; or a cumulative 2.0 GPA or above in the courses required for high school graduation;
- execute and fulfill the requirements of an academic performance contract if the student's GPA falls below 2.0 in the courses required for graduation. An academic performance contract is an agreement between the student, the district school board, the appropriate governing association, and the student's parents, which at a minimum requires the student to attend

¹ Section 1006.195(1), F.S.

² Section 1006.195(2)(a), F.S. The FHSAA retains jurisdiction over recruiting prohibitions and violations, student medical evaluations, investigations, sanctions for coaches, forfeiture of contests, student concussions or head injuries, the sports medical advisory committee, general operational provisions of the FHSAA.

³ Bylaws 2.6 (compliance with rules), 3.3.1 (conditions of membership), and 3.5, FHSAA (obligations of membership).

⁴ Bylaw 3.3.1(d), FHSAA.

⁵ *Sult v. Gilbert*, 148 Fla. 31, 35 (1941).

⁶ *Sult*, 148 Fla. at 35; bylaw 2.6, FHSAA.

⁷ For purposes of athletics in public K-12 schools, high school includes grade six through 12. Section 1006.20(1), F.S.

- summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary;
- have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year; and
- maintain satisfactory conduct. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.⁸

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA and has an enrollment of less than 125 students (Non-FHSAA member private school).⁹

The FHSAA and district school board must adopt guidelines that establish:

- registration deadlines and procedures for each sport; and
- student participation requirements that include, but are not limited to, the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to students attending FHSAA member public and private schools.¹⁰

Effect of Proposed Changes

The bill revises private school student eligibility by allowing a student in a non-FHSAA member private school to participate in interscholastic or intrascholastic activities at the school where the student could choose to attend pursuant to controlled open enrollment.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.15, F.S. relating to student standards for participation in interscholastic and interscholastic extracurricular activities.

Section 2. Provides that the bill takes effect on July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

⁸ Section 1006.15(3)(a), F.S.

⁹ Section 1006.15(8), F.S. A private school that has a student who wishes to participate in a public school athletic program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request by the FHSAA; section 1006.15(3)(c), (d), and (e), F.S.; bylaw 9.2.2.4, FHSAA.

¹⁰ Section 1006.15(8), F.S.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1 A bill to be entitled
 2 An act relating to private school student
 3 participation in extracurricular activities; amending
 4 s. 1006.15, F.S.; revising the eligibility
 5 requirements for certain private school students to
 6 participate in interscholastic or intrascholastic
 7 sports at specified public schools; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (a) of subsection (8) of section
 13 1006.15, Florida Statutes, is amended to read:

14 1006.15 Student standards for participation in
 15 interscholastic and intrascholastic extracurricular student
 16 activities; regulation.—

17 (8) (a) The Florida High School Athletic Association
 18 (FHSAA), in cooperation with each district school board, shall
 19 facilitate a program in which a middle school or high school
 20 student who attends a private school shall be eligible to
 21 participate in an interscholastic or intrascholastic sport at a
 22 public high school, a public middle school, or a 6-12 public
 23 school to which the student would be assigned according to
 24 district school board attendance area policies or which the
 25 student could choose to attend pursuant to s. 1002.31 ~~that is~~

26 | ~~zoned for the physical address at which the student resides if:~~

27 | 1. The private school in which the student is enrolled is
28 | not a member of the FHSAA.

29 | 2. The private school student meets the guidelines for the
30 | conduct of the program established by the FHSAA's board of
31 | directors and the district school board. At a minimum, such
32 | guidelines shall provide:

33 | a. A deadline for each sport by which the private school
34 | student's parents must register with the public school in
35 | writing their intent for their child to participate at that
36 | school in the sport.

37 | b. Requirements for a private school student to
38 | participate, including, but not limited to, meeting the same
39 | standards of eligibility, acceptance, behavior, educational
40 | progress, and performance which apply to other students
41 | participating in interscholastic or intrascholastic sports at a
42 | public school or FHSAA member private school.

43 | Section 2. This act shall take effect July 1, 2017.