

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 5101      PCB PKA 17-02      Educational Funding  
**SPONSOR(S):** PreK-12 Appropriations Subcommittee, Diaz, M.  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee	13 Y, 0 N	Seifert	Potvin
1) Appropriations Committee	25 Y, 0 N	Seifert	Leznoff

### SUMMARY ANALYSIS

The bill conforms applicable statutes to the appropriations provided in the House proposed General Appropriations Act for Prekindergarten through grade 12 education for Fiscal Year 2017-2018.

The bill:

- Repeals the requirement for the Just Read, Florida! Office to review the K-12 comprehensive reading plan.
- Limits the amendatory period for the reporting of FTE for payment to providers and schools by early learning coalitions for the voluntary prekindergarten program.
- Removes obsolete language referencing the Florida School for Boys in Okeechobee.
- Modifies the Florida Education Finance Program (FEFP) by:
  - Requiring that the Supplemental Academic Instruction allocation for schools that earned a grade of “D” or “F” be used to implement the required intervention and support strategies.
  - Codifying the Sparsity Supplement current calculation methodology.
  - Requiring that the K-12 comprehensive reading plans in the Research-Based Reading Instruction allocation only be submitted by a school that earned a grade of “D” or “F” and prioritizing the use of funds for the 300 lowest performing elementary schools.
  - Repealing the requirement that a school district submit a digital classrooms plan to receive funding from the Digital Classrooms Allocation and aligning the use of the allocation to the eligible services list authorized by the federal Schools and Libraries Program, commonly referred to as the federal E-rate program.
  - Codifying the Safe Schools categorical.
  - Providing clarification of FEFP reporting requirements and audit adjustments.
- Amends the required components of a school district’s standard student attire policy for purposes of school district receiving incentive payment.

The bill takes effect July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Just Read, Florida! Office**

Florida's history of reading instruction reform dates back to the early 1970s.<sup>1</sup> Since then, the state has implemented a number of initiatives to improve the reading performance of Florida's students. By 2001, Florida established statewide, standardized assessments to measure how well students in grades 3 through 10 had learned the state's reading standards<sup>2</sup> and the Just Read, Florida! Initiative which was aimed at helping students become successful, independent readers.<sup>3</sup> In 2006, the Legislature formally created the Just Read, Florida! Office within the Department of Education.<sup>4</sup>

One of the office's many duties is to review, evaluate, and provide technical assistance to school districts' implementation of their required K-12 comprehensive reading plans.

##### **Effect of the Bill**

The bill amends s. 1001.215, Florida Statutes, to repeal the requirement for the Just Read, Florida! Office to review and approve K-12 comprehensive reading plans. Such plans will instead be done as part of the monitoring, intervention, and support strategies required as part of school improvement pursuant to s. 1008.33, Florida Statute.

##### **Voluntary Prekindergarten (VPK)**

In November 2002 Florida voters passed a constitutional amendment to establish the Voluntary Prekindergarten (VPK) program; statutes implementing the amendment were enacted January 2, 2005. The VPK program is designed to prepare every four-year-old in Florida for kindergarten and build the foundation for their educational success.

The VPK program employs a decentralized approach in which early learning coalitions throughout the state administer the program through providers from both the private and public sectors. The early learning coalitions have authority to administer the VPK program to meet the needs of their local community. The Office of Early Learning (OEL) is responsible for managing the VPK program at the state level.

The Legislature allocates a fixed dollar amount per VPK child that will be paid to providers delivering the VPK program. VPK providers are paid in advance with a reconciliation of attendance conducted at the end of each month. The current reporting process allows VPK providers to amend prior fiscal year student enrollments no later than December 31 of the subsequent fiscal year.

##### **Effect of the Bill**

The bill amends s. 1002.71, Florida Statutes, to limit the time frame for VPK providers to amend prior fiscal year student enrollments no later than September 1 of the subsequent fiscal year.

##### **Washington Special School District**

The Florida School for Boys was a school operated by the state of Florida in Marianna from January 1, 1900, to June 30, 2011. A second campus was opened in Okeechobee in 1955.

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<sup>1</sup> Florida Department of Education, *History of Reading Policy in Florida: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

<sup>2</sup> Florida Department of Education, *A Chronology of Events: 2001*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/history-of-fls-statewide-assessment/assessment-chronology/hsap01.html> (last visited on March 18, 2017).

<sup>3</sup> Exec. Order No. 01-260 (2001).

<sup>4</sup> Section 8, ch. 2006-74, L.O.F.

In 1981, legislation was passed that required the Department of Education (DOE), either directly or through grants or contractual agreements with other public educational agencies, to provide educational services to these two schools.<sup>5</sup> After a competitive bid process, the DOE awarded a contract to Washington school district to provide such educational services. To differentiate Washington school district's Florida Education Finance Program (FEFP) funds appropriated in the General Appropriations Act, Washington Special school district was created in the FEFP to fund Washington school district's FEFP funds to provide educational services to the Florida School for Boys. The Florida School for Boys in Marianna and Okeechobee no longer exists.

#### Effect of the Bill

The bill repeals section 1003.52(21), Florida Statutes, requiring the DOE to provide or contract for services to the Florida School for Boys in Okeechobee.

#### Supplemental Academic Instruction Allocation

In 1999, the Legislature created the Supplemental Academic Instruction (SAI) Categorical Fund as part of the A+ Education Plan<sup>6</sup> for the purpose of assisting school districts in providing supplemental instruction to students in kindergarten through grade 12.<sup>7</sup>

The SAI categorical funds are allocated annually to each school district in the amount provided in the General Appropriations Act. These funds are provided in addition to the funds appropriated on the basis of full-time equivalent (FTE) student membership in the FEFP and are included in the total funds for each district. For Fiscal Year 2016-2017, each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment must use these funds, together with the funds provided in the district's research-based reading instruction allocation, to provide an additional hour of instruction for intensive reading instruction<sup>8</sup>. After this requirement has been met, school districts may use these funds for: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement.

#### Effect of the Bill

The bill modifies the FEFP SAI allocation by requiring each school district that has a school earning a grade of "D" or "F" pursuant to s. 1008.34, Florida Statutes, to use that school's portion of the SAI to implement the intervention and support strategies required under s. 1008.33, Florida Statutes. For all other schools, the school district may use the SAI for eligible purposes currently described in law. The bill also codifies in law the SAI allocation funding formula.

#### Sparsity Supplement Allocation

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the FTE of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the number of high school centers is reduced to four. The number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. By General Appropriations Act proviso, participation is limited to districts of 24,000 or fewer FTE students.

#### Effect of the Bill

The bill codifies in law the current calculation methodology.

#### Researched-Based Reading Instruction Allocation

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<sup>5</sup> Chapter 81-272, L.O.F.

<sup>6</sup> Section 23, ch. 99-398, L.O.F.

<sup>7</sup> Florida House of Representatives, Council for Lifelong Learning, Supplemental Academic Instruction Fact Sheet (Sept. 2001) available at

<http://archive.flsenate.gov/data/publications/2002/house/reports/EdFactSheets/fact%20sheets/supplementalacademicinstruction.pdf>.

<sup>8</sup> Section 1011.62(1)(f), F.S.

Funds for comprehensive, research-based reading instruction are allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district receives the same minimum amount as specified in the General Appropriations Act, and any remaining funds are distributed to eligible school districts based on each school district's proportionate share of K-12 base funding. These funds must be used to provide a system of comprehensive reading instruction to students enrolled in K-12 programs.

Currently priority of the funds is to provide an additional hour of intensive reading instruction beyond the normal school day for each day of the entire school year for the students in the 300 lowest performing elementary schools based on the state reading assessment pursuant to sections 1008.22(3) and 1011.62(9), Florida Statutes. This additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading. Students enrolled in these schools that have level 5 reading assessment scores may choose to participate in the additional hour of instruction on an optional basis.

Annually school districts must submit a K-12 comprehensive reading plan that outlines their specific use of the research-based reading instruction allocation for review and approval by the Department of Education's Just Read, Florida! Office. On or before June 1 of each year, the office must approve or reject a district's plan. If a school district and the office cannot reach agreement on the plan's contents, the school district may appeal to the State Board of Education for resolution. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.<sup>9</sup>

#### Effect of the Bill

The bill:

- Modifies the Research-Based Reading Instruction Allocation to prioritize, but not require, use of the funds for the extra hour of intensive reading instruction for the 300 lowest performing elementary schools based on a three year average of the state reading assessment data.
- Allows the extra hour to be optional for students scoring level 4 or level 5 on reading assessments.  
Requires summer reading camps to be taught by someone certified or endorsed in reading.
- Requires reading plans to only be submitted by school districts that have a school earning a grade of "D" or "F". The review and approval process will now be done as part of the monitoring, intervention, and support strategies required as part of school improvement under s. 1008.33, Florida Statutes.
- Eliminates the department's ability to withhold funds.

#### Digital Classroom Allocation

Currently funds are provided to school districts to support school and district efforts and strategies to improve outcomes related to student performance by integrating technology in classroom teaching and learning. Each district school board must adopt a district digital classrooms plan that meets the unique needs of students, schools and personnel, and submit the plan for approval by the Department of Education. Each plan must be within the general parameters established in the Florida digital classrooms plan pursuant to section 1001.20, Florida Statutes, and the funds must be used to support the implementation of these plans. Plans must be submitted to the department annually by October 1.

#### Effect of the Bill

The bill repeals the requirement of submitting a digital classrooms plan. The bill aligns the use of these funds to items on the eligible services list authorized by the Universal Service Administration Company E-rate program.<sup>10</sup> Allowable uses of the funds will also include computer and device hardware and associated operating system software.

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<sup>9</sup> s. 1011.62(9), F.S.

<sup>10</sup> <http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx>

### **Safe Schools Allocation**

In 1994 the Legislature funded safe schools activities through proviso language in the General Appropriations Act. This funding has continued each year into the present year. The purpose of the funding is to provide resources for safe schools activities. Presently, each school district receives a minimum amount towards safe schools activities. The balance of the Safe Schools Allocation is distributed based upon the following formula: two-thirds based on the latest official Florida Department of Law Enforcement Crime Index and one-third on each district's share of the state's total unweighted student enrollment. The Safe Schools Allocation has continued to be a major source of funding for school districts toward developing, implementing and enforcing school safety and security programs and activities. The Safe Schools Appropriation allows districts to use their allocation in a manner that best fits their individual school needs.

### **Effect of the Bill**

The bill codifies the safe schools allocation funding formula and the use of the safe schools allocation.

### **FTE Reporting**

The bill removes the requirement for an adjustment to be made to a district's funding in the FEFP based on an FTE reporting error that is not corrected by the district within the FTE reporting amendment periods.

### **Standard Student Attire**

The Standard Student Attire Incentive Program provides funding for school districts that implement a districtwide, standard student attire policy for all students in kindergarten through grade 8. To qualify a district for the incentive payment, the district's school superintendent had to certify to the Commissioner of Education that the district school board implemented a policy meeting the requirements. Qualifying districts receive a payment of \$10 per each student in kindergarten through grade 8.<sup>11</sup>

A qualifying standard student attire policy must:

- Apply to all students in kindergarten through grade 8 in the school district or charter school.<sup>12</sup>
- Prohibit certain types of clothing and require solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars.
- Allow reasonable accommodations based on a student's religion, disability, or medical condition.

School districts and charter schools received incentive funds of \$4,199,295 for the 2016-2017 school year for implementing qualifying policies.<sup>13</sup>

### **Effect of Proposed Changes**

The bill removes the specific requirement of solid-colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short- or long-sleeved shirts with collars. The removal of this requirement allows plaids, stripes, or other multi-color options to be available as standard attire options.

## **B. SECTION DIRECTORY:**

Section 1. Amends s. 1001.215, F.S. revising the duties of the Just Read, Florida! Office to conform to changes made by the act.

Section 2. Amends s. 1002.71, F.S. revising the deadline for the amendment of a student enrollment count for specified purposes.

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<sup>11</sup> s. 1011.78, F.S.

<sup>12</sup> Any students in kindergarten through grade 8 served by a school are included, regardless of the school's grade configuration (e.g., kindergarten through grade 2 or grades 6 through 12).

<sup>13</sup> Email, Florida Department of Education, Office of Governmental Relations (Dec. 15, 2016).

Section 3. Amends s. 1003.52, F.S. deleting provisions relating to the Florida Schools for Boys in Okeechobee

Section 4. Amends s. 1011.62, F.S. revising requirements for the use of supplemental academic instruction allocation to include specified purposes; deleting a provision authorizing the Florida State University School to expend specified funds for certain purposes; providing an alternate district sparsity index calculation for certain school districts; revising and providing provisions relating to the research-based reading instruction allocation; revising and providing provisions relating to the Florida digital classrooms allocation; creating the safe schools categorical; and providing that certain underallocations may not be the basis for a positive allocation adjustment in the current year.

Section 5. Amends s. 1011.78, F.S. revising requirements for standard student attire.

Section 6. 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 conforms applicable statutes to the appropriations provided in the General Appropriations Act for Prekindergarten through grade 12 education for the 2017-2018 fiscal year.

## **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**