

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 355 Florida Teachers Lead Program Stipend  
**SPONSOR(S):** Vana and others  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12		Barnhill	Ahearn
2) Schools & Learning Council			
3) Policy & Budget Council			
4) _____			
5) _____			

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**SUMMARY ANALYSIS**

The Teachers Lead Program Stipend (the stipend) provides teachers with an annual stipend to reimburse their purchases of classroom materials made throughout the year. This bill increases the number of teachers eligible for receiving the stipend, by expanding the stipend to include prekindergarten teachers.

This bill does not appear to have a fiscal impact on state or local governments. However, the stipend amount teachers receive is dependent on the 2007-2008 General Appropriations Act.

The constitutional concern related to the scope of this bill will be addressed by an amendment to be filed by Representative Flores. Please see the CONSTITUTIONAL ISSUES section, III.A.2., of this analysis.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Teachers Lead Program Stipend, created in 1997, provides an annual stipend to certified, regular full-time kindergarten through grade 12 (K-12) teachers, media specialists, and guidance counselors (collectively referred to as “teachers”) employed on or before September 1. This stipend provides reimbursement to teachers for their purchase of classroom materials and supplies. Such purchases are not subject to state or local competitive bidding requirements. Funding for this program is determined by the Legislature in the General Appropriations Act. The Commissioner of Education calculates an amount for each school district by prorating each school district’s share of the total K-12 unweighted full time equivalent student enrollment.<sup>1</sup>

Eligible teachers must sign an affidavit acknowledging receipt of funds and agreeing to use the funds for the purchase of classroom materials only. Funds must be distributed by the school districts by September 30.<sup>2</sup>

The Teachers Lead Program Stipend was amended in 2000 to provide direct compensation to teachers for their purchases of classroom materials and supplies. Prior to this amendment, the funds were distributed to each school’s internal account and teachers could spend the funds on classroom materials and supplies until their allocation was fully expended.

##### Effects of Proposed Changes

This bill expands the number of teachers eligible for the Teachers Lead Program Stipend from teachers serving children in kindergarten through grade 12 (K-12) to teachers serving children in prekindergarten (PreK) through grade 12. In 2006-07, there were 169,106 public K-12 teachers, media specialists, and guidance counselors. There were 9,261 public PreK teachers. If public PreK teachers were included, the number of eligible teachers would increase to 178,367 Prek-12 teachers.

The bill may be construed to include private PreK teachers in the number of eligible teachers to receive the stipend. If construed to include private PreK teachers, the number of eligible teachers will increase to an indeterminate number.

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 1012.71, F.S., expanding the eligible stipend recipients to include prekindergarten teachers.

**Section 2.** Provides an effective date of July 1, 2007.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

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<sup>1</sup> section 1012.71, F.S.

<sup>2</sup> section 1012.71(3), F.S.

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

2. Expenditures:

This bill does not require the expenditure of state funds. However, in order to maintain the current stipend amount of approximately \$266, if only public prekindergarten teachers were included in the number of eligible teachers, the allocation would need to increase by \$2,467,173, making the total allocation \$47,488,579 (from 169,106 K-12 classroom teachers to 178,367 public PreK-12 classroom teachers).<sup>3</sup>

In 2006-07, the Legislature appropriated \$45,021,406<sup>4</sup> for an average K-12 Teachers Lead Stipend of approximately \$266 per recipient.<sup>5</sup> In 2006-07, if public prekindergarten teachers (9,261 such teachers) were included without an increase in the 2006-07 allocation, the average teacher's stipend would decrease by approximately \$14. If the bill is construed to include private school PreK teachers, the number of eligible teachers will increase to an indeterminate number, and the stipend would be reduced accordingly.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill, as filed, could allow all voluntary prekindergarten (PreK) teachers to receive the Teacher Lead Program Stipend, thus benefiting PreK teachers working in the private sector, as well as in the public sector.

D. FISCAL COMMENTS:

Current funding for this program is \$45,021,406, as specified in the 2006-2007 General Appropriations Act, specific appropriation 97.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

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

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

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<sup>3</sup> Florida Department of Education, Governmental Relations Office, 2007 Legislative Bill Analysis on HB 355: Teachers Lead Program Stipend/PreK.

<sup>4</sup> Specific Appropriation 97, ch. 2006-25, L.O.F.

<sup>5</sup> Florida Department of Education, Governmental Relations Office, 2007 Legislative Bill Analysis on HB 355: Teachers Lead Program Stipend/PreK.

This bill may raise constitutional concerns by providing state funds to prekindergarten teachers in private schools (i.e., private sector VPK providers). See Fla. Const. art. IX, s. 1(a). However, an amendment will be filed by Representative Flores that addresses this issue. Her amendment will clarify that the bill is not intended to include VPK teachers. The amendment will do this by expressly requiring the distribution of funds to classroom teachers serving only Florida Education Finance Program (FEFP) funded students. VPK students are not funded through the FEFP, but receive a separate allocation in the General Appropriation Act. Her amendment will further clarify that the bill is not intended to include Title I, School Readiness programs. Title I, School Readiness programs are funded through federal dollars, not through the FEFP.

**B. RULE-MAKING AUTHORITY:**

None.

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

This stipend is not currently provided to charter school classroom teachers; however, the students attending charter schools are included in the calculation of a district's unweighted full time equivalent enrollment, thus increasing the amount of funds disbursed to a district. Accordingly, it would appear more equitable if charter school classroom teachers receive this stipend, given that their students are included in the calculation of a district's share of the appropriation.

This stipend is also unavailable to regular, part-time teachers whose full-time job responsibility is the classroom instruction of students in K-12, e.g., job share teachers. However, the students of these teachers are included in the calculation of districts' unweighted full time equivalent enrollment, thus increasing the amount of funds disbursed to the district.

An amendment will be filed by Representative Flores to address these issues.

**D. STATEMENT OF THE SPONSOR**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**