

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 1162

INTRODUCER: Senator Simmons

SUBJECT: Family Charter Academies

DATE: February 19, 2012 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|-----------------|-----------|--------------------|
| 1. | Brown | deMarsh-Mathues | ED | Pre-meeting |
| 2. | _____ | _____ | HE | _____ |
| 3. | _____ | _____ | BC | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill provides for the creation of family charter academies. Attributes of family charter academies include:

- Offering parents the option of attending the same school as their children, integrating learning, and providing incentives for K-12 teachers and family education teachers to seek cooperative learning opportunities;
- Complying with high standards of student achievement;
- Targeting English language learners; and
- Encouraging performance-based learning, to include assessment scores, attendance and budget projection systems.

A family charter academy may be formed by creating a new school. Alternatively, an academy may be created by allowing an existing charter school or an existing nonprofit organization to add a family charter component.

Nonprofit entities or municipalities are authorized to apply for approval to operate as a family charter academy through a district school board or Florida College System institution (FCS) sponsor. A sponsor that approves an application is required to ensure compliance with the state's education accountability system, of which specified assessment test results for adults are to be reported.

This bill specifies the family charter academy application requirements.

This bill creates section 1002.333 of the Florida Statutes.

II. Present Situation:

Parental Involvement

A growing body of research demonstrates that when families are actively engaged in their child's learning, children are better prepared for school and achieve at higher levels.¹

Among the support available to increase parental involvement in a child's education is the Parental Information and Resource Center (PIRC) program that provides resources to pursue the objectives of the federal No Child Left Behind Act (NCLB).² In particular, this program provides an opportunity to focus on assisting the parents of children who attend schools identified for improvement, corrective action, or restructuring under Title I, Part A of the Elementary and Secondary Education Act (ESEA).³ The PIRC program supports school-based and school-linked parental information and resource centers.

Other federal education legislation, such as the Individuals with Disabilities Education Act (IDEA),⁴ and federal education programs, such as Head Start and Early Head Start, also have parental involvement components.⁵

Florida law requires parents to be provided with specific information about their child's educational progress and comprehensive information about their choices and opportunities for involvement in their child's education.⁶

Charter Schools

Charter schools are governed by s. 1002.33, F.S. , and are considered to be public schools.⁷ Terms and conditions for charter school operation are to be agreed to by the sponsor and applicant through a written contractual agreement, which represents the charter.⁸ Although the initial term of a charter is restricted to four or five years, to facilitate access to long-term

¹ *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), The PEW Center on the States, See http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141; Southwest Educational Development Laboratory, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, at 24 (2002), available at <http://www.sedl.org/cgi-bin/pdfexit.cgi?url=http://www.sedl.org/connections/resources/evidence.pdf> (review of research regarding parental involvement and student success).

² 20 U.S.C. s. 7273 et seq. Centers must include activities that establish, expand, or operate early childhood parent education programs and typically engage in a variety of technical assistance activities designed to improve student academic achievement, including understanding the accountability systems in the state and school districts being served by a project. Projects generally include a focus on serving parents of low-income, minority, and limited English proficient (LEP) children enrolled in elementary and secondary schools.

See <http://www2.ed.gov/programs/pirc/index.html>.

³ 20 U.S.C. s. 6311 et seq.

⁴ 20 U.S.C.A. s. 1414.

⁵ *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), The PEW Center on the States, See http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141.

⁶ s. 1002.23(1)(a) and (b), F.S. Other provisions of law that provide for parental involvement include s. 1001.452, F.S. (district and school advisory councils) and s. 1002.23, F.S. (parent guides and parental involvement checklists).

⁷ s. 1002.33(1), F.S.

⁸ s. 1002.33(6)(h), F.S.

financial construction funding, s. 1002.33(7)(a)12., F.S., authorizes charters of up to 15 years for those operated by a municipality or other public entity, or by a private not-for-profit 501(c)(3) corporation.

Various individuals and entities are authorized to file an application for a new charter school, including teachers, parents, a group of individuals, a municipality or a legal entity.⁹ District school boards and state universities (regarding the creation of a charter lab school) are authorized to serve as sponsors of charter schools. Sponsors review and approve or deny charter school applications, monitor progress, and ensure compliance with state education goals and participation in the education accountability system.¹⁰

Florida College System institutions are authorized to develop charter schools in collaboration with the school district, provided that the charter schools include an option for students to receive an associate degree upon high school graduation.¹¹ Still, only district school boards and state universities, in the case of lab schools, have sponsor authority.¹²

III. Effect of Proposed Changes:

This bill provides that family charter academies are public schools and part of the state's public school system. A family charter academy may be formed by creating a new school. Alternatively, an academy may be created by allowing an existing charter school or an existing nonprofit organization to add a family charter component.

To open an academy, a nonprofit organization, an existing K-12 charter school,¹³ a municipality or other legal entity must submit an application to the sponsor. District school boards and FCS institutions are designated as sponsors in this bill. This represents a departure from current law in that FCS institutions now serve in a collaborative, rather than sponsor role for charter schools. The decision to approve a charter school application presently remains with the district school board.

The charter application must include the following:

- Goals and objectives for improving and measuring student learning gains, how much academic improvement is anticipated, how success will be evaluated and what results will be attained through instruction;
- Differentiated learning strategies which would be used to increase learning gains;
- An initial startup and an annual financial plan, including anticipated cost per student and anticipated fund balances, a spending plan based on projected revenue and expenditures, and a description of controls to safeguard finances and projected enrollment trends;

⁹ s. 1002.33(3), F.S.

¹⁰ s. 1002.33(5), F.S.

¹¹ s. 1002.33(5)(j), F.S.

¹² s. 1002.33(5)(a), F.S.

¹³ According to the DOE, there are only seven charter schools that are Pre-K-12 or K-12. Four of the schools are exceptional student education (ESE) centers. E-mail correspondence, DOE, February 19, 2012. On file with the Senate Committee on Education Pre-K – 12.

- A full accounting of expected assets, a projection of expected sources and amounts of income, and an expense projection;
- Facilities to be used, as well as their location and cost;
- Teacher qualifications; and
- Whether the applicant is under contract with a virtual learning provider.

The sponsor's responsibilities are to monitor and review the academy's progress and to ensure that it participates in the state's education accountability system. Under the bill, sponsors are encouraged, but not required to develop performance-based contracts that assist adults and parents in helping their children with homework, obtaining a job, enrolling in vocational training, or earning a GED certificate.

Sponsors would be encouraged, but not required, to provide, in writing, the sponsor's prior year average cost per adult student and average annual gain scores on the TABE and the CASAS, with outcomes to include an average increase in these scores.¹⁴

Family charter academies differ from charter schools in that their application,¹⁵ contract,¹⁶ and operational requirements¹⁷ would not be as stringent as those for charter schools. It is unclear as to whether or not family charter academies would be treated as charter schools or traditional public schools.

There is no express exemption for family charter academies from the laws that apply to public schools. Arguably, academies would still be treated as public schools, as indicated as such in the

¹⁴ The TABE, or Tests of Adult Basic Education, was designed to assess basic educational skills among a variety of adult test-takers. These include adults enrolled in high school equivalency or GED programs, vocational programs, certain community college programs, welfare-to-work programs and English for speakers of other languages programs. Specific areas tested include reading, mathematics, language and spelling. See *Frequently Asked Questions About TABE 9&10*. See <http://www.sabes.org/assessment/tabe.htm>. Last checked February 16, 2012. CASAS, or Comprehensive Adult Student Assessment Systems, are used to assess the basic skills of English and ESOL speakers in the areas of reading, mathematics, speaking, listening and writing. The company's website indicates use of the assessment by federal and state government agencies, correctional facilities, the military, community colleges, and private corporations. *About CASAS-Comprehensive Adult Student Assessment Systems*, See <https://www.casas.org>. Last checked February 16, 2012.

¹⁵ Section 1002.33, F.S., requires a model application form provided by the DOE that must be used by all charter school applicants. It must include a detailed curriculum plan which specifies how the school will apply the Sunshine State Standards, and written proof that the applicant has participated in required training endorsed or provided by the Department of Education (DOE) regarding financial planning and good business practices. Additionally, a specified appeal process is provided for applications that are denied.

¹⁶ Section 1002.33(7), F.S., requires the charter to include the school's mission, student population to be served, such as ages and grades, instructional methods, an assurance that reading is the primary focus of the curriculum, the current incoming baseline standard of student achievement, admissions and dismissal procedures, methods a school will use to reflect the diversity of the community or other public schools in the district, financial and administrative management of the school, including risk management, the term of the charter, capped in law, governance structure of the school, and whether relatives of the school's administration are to be employed.

¹⁷ Pursuant to s. 1002.33(7)(a), (8), and (9)(a) and (k), F.S., a charter school must comply with the state assessment process, including school grading, and report annual progress to its sponsor through use of the DOE's online accountability report; a requirement that it operate in a nonsectarian fashion; and must conduct employment history checks and criminal background screenings as a condition of hiring. Additionally, a specified process for a sponsor to nonrenew or terminate a charter applies. Charter schools, with some exceptions, are expressly exempt from all laws in chapters 1000-1013, F.S., which otherwise apply to public schools. Sponsors are immune from civil liability for tort claims, employment actions, and property damage taken by an officer, employee, agent or charter school governing body.

bill, and would be subject to all the provisions of law that apply to public schools in the state. This would include participation in the state accountability system¹⁸ and the assignment of a school grade.¹⁹

If academies are interpreted to be a type of charter school, they would be subject to the requirements in s. 1002.33, F.S., including compliance with provisions in law that address accommodations for students with disabilities, civil rights regarding discrimination, student health, safety, and welfare, public meetings and records requirements, and class size based on the average at the school level.²⁰

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill may increase employment options for adults, through helping them attain employable skills, a GED or improving English language abilities for those with limited English skills.

C. Government Sector Impact:

The bill allows a school district or an FCS institution to be a sponsor and to grant or deny an application to establish an academy. The decision may not be appealed. To the extent

¹⁸ Section 1008.31, F.S., provides the state's K-20 education performance accountability system, which includes measures of adequate yearly progress, individual student learning gains in public schools, school grades, and return on investment. The state accountability system is designed to align with the federal requirements of the NCLB, 20 U.S.C. s. 6311 et al., and the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. s. 1401 et al. Unless participation in particular tests are determined to be inappropriate for a particular student, federal law generally requires the inclusion of all students in assessments. State assessments must, among other criteria, be the same for all children and provide for the participation of all students in assessments.

¹⁹ s. 1008.34, F.S.

²⁰ s. 1002.33(7)(a), (8), and (9)(a) and (k), F.S.

that a school district or FCS institution chooses to sponsor an academy, there may be an additional workload associated with complying with the sponsor responsibilities enumerated in the bill.

An existing K-12 charter school or municipality that chooses to open an academy will incur the costs associated with submitting an application to a sponsor.

It is unclear what the source of funding will be for an adult who enrolls in and attends an academy. Workforce education applies to adult general education programs designed to improve employment skills of the workforce, career certificate programs, applied technology diploma programs, continuing workforce education courses, degree career education programs, and apprenticeship programs.²¹

Workforce education programs are conducted by FCS institutions and school districts. Funding for these programs is based on cost categories, and performance outcome measures.²² According to the DOE, only districts currently have a performance-based funding allocation for their workforce education programs, which include adult general education.²³

VI. Technical Deficiencies:

The bill appears to contemplate parents and their children attending the same school. There are references throughout the bill to family education and family education services. Neither of these terms is defined in the bill. Similarly, the bill references family education teachers, but does not specify the qualifications that must be met.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²¹ s. 1011.80(1), F.S.

²² s. 1011.80(2) and (4), F.S.

²³ E-mail correspondence, DOE, February 17, 2012. On file with the Senate Committee on Education Pre-K – 12.