

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

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| BILL #: | CS/CS/CS/HB 287 | FINAL HOUSE FLOOR ACTION: | |
| SPONSOR(S): | Education Committee; Education Appropriations Subcommittee; K-12 Subcommittee; Diaz, Jr.; Sprowls and others | 97 Y's | 17 N's |
| COMPANION BILLS: | CS/CS/SB 434 | GOVERNOR'S ACTION: | Approved |

SUMMARY ANALYSIS

CS/CS/CS/HB 287 passed the House on February 18, 2016 and subsequently passed the Senate on March 11, 2016.

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education to provide the principals of participating schools in participating school districts with increased autonomy and authority regarding allocation of resources and staffing. Participation is voluntary, but limited to the school districts of Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School boards selected for participation in PAPPI are exempt from the K-20 Education Code and State Board of Education rules, with exceptions. Among other exemptions, the class size compliance calculation for participating schools is the school-level average, rather than the individual classroom level.

School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. Among other things, the proposal must identify three schools that received at least two school grades of "D" or "F" during the previous three school years, describe the areas in which increased autonomy will be granted, and state measurable goals regarding student achievement and operational efficiency. The initial term of the program is three years.

The bill grants the principals of participating schools greater authority regarding staffing decisions, allocation of financial resources, and budgeting. Among other things, the principal of a participating school is granted greater authority to hire qualified instructional personnel or refuse placement or transfer of such personnel. Before participation in the program may begin, such principals must complete professional development designed to enable them to implement increased autonomy. Participating school districts must guarantee participating schools at least 90 percent of the funds generated in the Florida Education Finance Program (FEFP) by that school. The current minimum guarantee is 80 percent of such funds.

Participating school districts must annually report measures taken to implement the program and results achieved to the state board. The state board may revoke a district school board's authorization to participate if the school board fails to meet program requirements. The Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives upon expiration of the initial three year term.

For an analysis of the bill's fiscal impact, see FISCAL COMMENTS, *infra*.

The bill was approved by the Governor on April 14, 2016, ch. 2016-223, L.O.F., will become effective on July 1, 2016.

I. SUBSTANTIVE INFORMATION

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

STORAGE NAME: h0287z1.KTS

DATE: April 18, 2016

A. EFFECT OF CHANGES:

Present Situation

Research indicates that school leadership is “second only to classroom instruction among all school-related factors that contribute to what students learn at school.”¹ Research also indicates that effective school leadership plays a critical role in the recruitment and retention of quality teachers.² According to researchers, “principals can be more effective when there is a district-wide culture of joint responsibility for achieving shared student outcome goals.” This includes giving principals more autonomy to implement instructional reforms, budget and allocate resources, and hire a quality instructional team tailored to the individual needs of his or her school.³

School Principals

“School administrators” include school principals, school directors, career center directors, and assistant principals.⁴ Among other things, school principals are responsible for:

- Fully supporting the authority of classroom teachers and school bus drivers regarding student discipline and conduct.
- Providing instructional leadership in the development, revision, and implementation of a school improvement plan.
- Accurate and timely compliance with statutory reporting requirements.
- The management and care of instructional materials.
- Facilitating parental involvement in their child’s education and providing information to parents regarding their child’s educational progress and available educational choices.⁵

When filling instructional positions⁶ at the school level, the district school superintendent must consider nominations received from school principals of the respective schools in the school district. The superintendent then must make recommendations to the district school board regarding each position to be filled and the persons to fill such positions. The school board has discretion to approve or reject any of the superintendent’s recommendations.

Before transferring a classroom teacher from one school to another, the superintendent must consult with the principal of the receiving school and allow the principal to review the teacher’s records, student performance results,⁷ and interview the teacher. If, a principal believes students would not benefit from the placement, he or she may request an alternative placement subject to the approval by the superintendent.⁸ However, the superintendent must accept the principal’s decision to refuse placement or transfer of instructional personnel if the instructional personnel has a performance evaluation rating of needs improvement or unsatisfactory.⁹

¹ Kenneth Leithwood, et. al., *How Leadership Influences Student Learning*, Ontario Institute for Studies in Education, at 5 (2004), available at <http://www.wallacefoundation.org/knowledge-center/school-leadership/key-research/Documents/How-Leadership-Influences-Student-Learning.pdf>.

² The Wallace Foundation, *Leading From Every Seat, Empowering Principals to Cultivate Teacher Leadership for School Improvement*, at 4 (2015), available at <http://www.newleaders.org/wp-content/uploads/LeadingFromEverySeat.pdf>.

³ Ikemato, Gina, et. al., *Great Principals At Scale: Creating District Conditions That Enable All Principals to Be Effective*, The Bush Institute, at 9-11 (June, 2014), available at http://www.newleaders.org/wp-content/uploads/GPAS_FullReport_Final.pdf.

⁴ See s. 1012.01(3), F.S. Administrative personnel are K-12 personnel who perform management activities such as developing and executing broad policies for the school district. Administrative personnel include district-based instructional and non-instructional administrators, as well as school administrators who perform administrative duties at the school-level. *Id.*

⁵ Section 1001.54, F.S.

⁶ Instructional personnel include classroom teachers; staff who provide student personnel services, e.g., guidance counselors, social workers, career specialists, and school psychologists; librarians and media specialists; other instructional staff, e.g., learning resource specialists; and education paraprofessionals under the direct supervision of instructional personnel. Section 1012.01(2), F.S.

⁷ As measured by the instructional personnel’s performance evaluation. Section 1012.28(6), F.S.

⁸ Section 1012.27(1)(b), F.S.

⁹ Section 1012.28(6), F.S.

The Florida Principal Leadership Standards

The Florida Principal Leadership Standards (FPLS) are Florida's core expectations for effective school administrators, including school principals. The FPLS are research-based; represent necessary knowledge, skills, and abilities for effective school leadership; and are the basis for school administrator performance evaluations, professional development systems, preparation programs, and certification requirements. The FPLS emphasize ability to improve student learning results; development and retention of quality classroom teachers; and school management practices that promote student learning, effective allocation of resources, and efficient operations.¹⁰

Performance Evaluation

Florida law requires each district school superintendent to establish procedures to evaluate the job performance of district instructional, administrative, and supervisory personnel.¹¹ Instructional personnel and school administrators must be evaluated annually, with exceptions.¹² School district performance evaluation systems must differentiate among four levels of performance:

- highly effective;
- effective;
- needs improvement, or for instructional personnel in their first three years of employment who need improvement, developing; and
- unsatisfactory.¹³

The criteria used to measure school administrator performance are student performance, instructional leadership, and professional and job responsibilities.¹⁴ At least one-third of a school administrator's evaluation must be based upon student performance, with certain exceptions.¹⁵ Student performance must be measured by statewide assessments¹⁶ and, by the 2014-2015 school year for subjects and grade levels not tested by statewide assessments, local assessments.¹⁷ Evaluation of instructional leadership must include performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth.¹⁸

Professional Development

Professional development for school administrators is provided through school district professional development systems including the William Cecil Golden Professional Development Program for School Leaders. This program is established in collaboration with state and national professional

¹⁰ Section 1012.34 F.S. and Rule 6A-5.080(1)-(2), F.A.C.

¹¹ Section 1012.34(1)(a), F.S. The term "supervisory personnel" is not defined. *See* s. 1012.01(3), F.S.

¹² *See* s. 1012.34(3)(a), F.S. Newly hired classroom teachers must be evaluated at least twice in their first year of teaching in the school district "Newly hired classroom teachers" include first-time teachers new to the profession as well as veteran teachers new to the school district. *Id.*

¹³ Section 1012.34(2)(e), F.S.

¹⁴ Section 1012.34(3)(a)1., 3., and 4., F.S.

¹⁵ Section 1012.34(3)(a)1., F.S. If less than three years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment. Section 1012.34(3)(a)1.b., F.S.

¹⁶ The statewide assessment program for public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, geometry, Biology I, civics, and U.S. History; and FCAT 2.0 science (grades 5 and 8). Section 1008.22(3)(a)(b), F.S. EOC assessments count 30 percent of a student's final course grade. *See* ss. 1003.4156(1) and 1003.4282(3), F.S.

¹⁷ Sections 1012.34(3)(a)1. and 1008.22(6), F.S.

¹⁸ Section 1012.34(3)(a)3., F.S.

leadership organizations and it is designed to respond to Florida's needs for quality school leadership and support the efforts of school leaders in improving instruction and student achievement and developing and retaining quality teachers.¹⁹ Professional development provided through the program must be based upon the FPLS and other school leadership standards.²⁰

A school turnaround program is a professional development program for school-level leaders.²¹ One such program, known as the University of Virginia School Turnaround Program, was established in collaboration with the University of Virginia Darden School of Business and the Curry School of Education.²² The three year program is designed to respond to the needs of underperforming schools by helping education leaders identify individual key issues and develop individual strategies to turn around a school. The program's managers accomplish these tasks by, among other things, hosting workshops to develop turnaround plans, by helping participating schools identify qualified school leaders to oversee school turnaround and by conducting on-site visits to help participating schools accomplish turnaround goals.²³ The program's managers and participating schools also collaborate to develop plans designed to help teachers and students reach performance goals.²⁴

Effect of the Bill

The bill establishes the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management. School district participation in PAPPI is voluntary, and only open to school districts in Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. A proposal must:

- Identify three schools that received at least two school grades of "D" or "F" during the previous three school years.
- Identify three principals who have earned a highly effective rating on the prior year's performance evaluations, one of whom shall be assigned to each of the participating schools.
- Describe the current financial and administrative management of each participating school;
- Identify the areas in which each school principal will have increased fiscal and administrative autonomy, including greater autonomy regarding the hiring of instructional personnel.
- Identify the areas in which each participating school will continue to follow district school board fiscal and administrative policies.
- Explain the methods used to identify the educational strengths and needs of the participating school's students and identify how student achievement can be improved.
- Establish performance goals for student achievement.
- Explain how increased principal autonomy will help participating schools improve student achievement and school management.
- Provide each participating school's mission and a description of its student population.

Based upon these criteria, the state board must approve or deny a school district's proposal. The bill authorizes the state board to enter into a performance contract with up to seven district school boards for participation in PAPPI. The term of the program is three years, at which time the performance of all participating schools in the school district must be evaluated. The state board may revoke a district's participation in the program during the term of the program and may renew participation upon expiration of the initial term. The bill specifies deadlines for submission and approval of principal autonomy

¹⁹ See ss. 1012.98(4) and 1012.986, F.S.

²⁰ Section 1012.986(1)-(2), F.S.

²¹ University of Virginia, *Darden/Curry Partnership for Leadership in Education*, <http://www.darden.virginia.edu/darden-curry-ple/about/> (last visited November 3, 2015).

²² *Id.*

²³ University of Virginia, *Darden Partnership for Leadership in Education*, available at <http://web3.darden.virginia.edu/ple/>

²⁴ *Id.*

proposals and requires the state board to adopt rules for administering PAPPI, including criteria for approving proposals.

The bill exempts participating school districts from the K-20 Education Code and state board rules implementing such provisions, except provisions relating to:

- The election and compensation of district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.
- The student assessment program, school grading system, and other school improvement and accountability requirements.
- Students with disabilities.
- Civil rights.
- Student health, safety, and welfare.
- The uniform opening date for public schools.
- Maximum class size, except that compliance for a participating school is calculated at the school-level average, rather than at the individual classroom level.²⁵
- Personnel compensation and salary schedules.
- Workforce reductions for annual contracts for instructional personnel, excluding at-will employees.
- Annual contracts for instructional personnel hired on or after July 1, 2011, excluding at-will employees.
- Personnel performance evaluations.
- Educational facilities, excluding provisions governing covered walkways for relocatables and use of relocatable facilities exceeding 20 years of age.
- Administration and implementation of PAPPI by participating school districts.

Each participating school district must require the principal of each participating school, a three-member leadership team from each participating school, and district personnel working with each participating school to enroll and complete a nationally recognized turnaround program. Each participating school district shall receive \$100,000 from the department for participation in program.

In addition, each participating principal shall receive \$10,000 annually, which can be used as a salary supplement, a fund for the principal's school to be used at the principal's discretion, or both, as determined by the district. For example, a participating principal could receive \$5,000 as a salary supplement and \$5,000 to use at the school as he or she chooses. The criteria for a principal to qualify for the salary supplement are as follows:

- the participating principal must be rated highly effective;
- the participating principal must be transferred to a school that earned a grade of "F" or three consecutive grades of "D" and provided additional authority and responsibilities; and
- the participating principal must have implemented a turnaround option at a school as the school's principal. The turnaround option must have resulted in the school improving by at least one letter grade while he or she was serving as the school's principal.

Participating school districts must submit an annual report to the state board regarding program implementation. The state board may revoke a school district's authorization to participate in the pilot program if the school district fails to meet program requirements. Upon completion of the program's first three-year term, the Commissioner of Education must submit a full evaluation of the program's effectiveness to the President of the Senate and the Speaker of the House of Representatives by December 1 of that year. This evaluation will allow the Legislature to assess the program's performance and decide whether to continue or repeal the program.

²⁵ The Florida Constitution provides that class sizes may not exceed 18 students for prekindergarten through 3rd grade; 22 students for 4th through 8th grades; and 25 students for 9th through 12th grades. *Section 1(a)*, Art. IX of the State Constitution and s. 1003.03(1), F.S. The law provides for calculation of class size compliance at the school-level average for public schools of choice, including charter schools. Sections 1002.31(5) and 1002.33(16)(b)3., F.S.

The bill revises existing law governing the personnel duties of school principals and school budgeting and calculation of expenditures to facilitate implementation of PAPPI. Currently, a district school superintendent must consider, but is not bound by, personnel nominations made by school principals. Furthermore, a school principal may only refuse placement of instructional personnel rated needs improvement or unsatisfactory on annual performance evaluations. The bill authorizes the principal of a participating school to:

- select qualified instructional personnel for placement at the school; and
- refuse placement or transfer of instructional personnel by the district school superintendent, in any case.

The bill also provides participating principals greater authority to deploy financial resources and control over his or her school's operational budget. Currently, each district school board must allocate to schools within the district an average of 90 percent of the funds generated by all schools and guarantee that each school receives at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program (FEFP), including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. The bill specifies that schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill provides \$700,000 in nonrecurring general revenue for costs associated with seven school districts participating in a nationally recognized school turnaround program. The bill also provides \$210,000 in recurring general revenue to fund salary supplements, discretionary funding or both for 3 principals in each of the 7 participating school districts. The bill increases state expenditures by a total of \$910,000 in the 2016-2017 state fiscal year.

Participation in PAPPI is optional. Several of the requirements for participating in PAPPI will impact budgeting and allocation of resources by participating school districts. Schools participating in PAPPI must be guaranteed to receive at least 90 percent of the funds generated in the FEFP by that school.

The current minimum guarantee is 80 percent of such funds. The bill also provides principals of those schools greater authority to deploy financial resources and control over the school's operational budget.

The bill requires the principals of participating schools to complete additional professional development, but provides for inclusion of expenses incurred by participating school districts in DOE's calculation of a participating school district's operating expenditures.

Participating school districts may achieve cost savings resulting from the statutory and rule exemptions granted to them by the bill.