

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1287

Public K-12 Education

**SPONSOR(S):** Grady

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1970

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	PreK-12 Policy Committee	12 Y, 0 N, As CS	Duncan	Ahearn
2)	PreK-12 Appropriations Committee		Seifert	Heflin
3)	Education Policy Council			
4)				
5)				

**SUMMARY ANALYSIS**

The Florida Partnership for Minority and Underrepresented Student Achievement (Partnership) is a cooperative effort between the Department of Education (DOE) and the College Board. The mission of the Partnership is to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.

The Committee Substitute for House Bill 1287 (CS/HB 1287) creates the "Incentives for Excellence in Education Act" and requires the Partnership, in conjunction with DOE, to post an annual report on DOE's website on or before January 15. The report must identify:

- The total number of teachers who participate in professional development associated with Advanced Placement courses;
- The registration fees associated with such professional development; and
- The number and value of scholarships awarded by the College Board for teacher participation in Advanced Placement professional development.

With respect to students, the report must, at the state level, identify by subject, race, and gender:

- The number of students per school who enroll in Advanced Placement courses;
- The number of Advanced Placement courses in which such students enroll;
- The number and percentage of students enrolled in Advanced Placement courses who take the Advanced Placement Examination that corresponds to each course;
- The number and percentage of students enrolled in Advanced Placement courses who take the Advanced Placement Examination that corresponds to each course and receive a score of 3 or higher; and
- The number and percentage of students who take an Advanced Placement Examination without having enrolled in the corresponding Advanced Placement course and earn a score of 3 or higher.

The report must also provide the amount paid by the state for each examination and the total rebates provided to each school for the administration of Advanced Placement Examinations.

The bill requires each school district to allocate 100 percent of the Florida Education Finance Program funds received for International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and Advance Placement (AP) Program instruction to the program that generates the funds. The funds allocated must be expended solely for the payment of administrative costs, including the costs associated with the respective program's annual school fees, examination fees, and professional development for IB, AICE, or AP teachers. The bill amends the method by which bonuses for teachers of IB, AICE, and AP Programs are calculated and awarded and removes the bonus cap of \$2,000.

The bill provides an effective date of July 1, 2010.

See FISCAL COMMENTS and DRAFTING ISSUES OR OTHER COMMENTS sections of this analysis.

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

**STORAGE NAME:** h1287b.PAC.doc  
**DATE:** 3/17/2010

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Law**

##### **Florida Partnership for Minority and Underrepresented Student Achievement**

The Florida Partnership for Minority and Underrepresented Student Achievement (Partnership) is a cooperative effort between the Department of Education (DOE) and the College Board.<sup>1</sup> The mission of the Partnership is to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.<sup>2</sup> The Partnership is required to provide:

- Training and professional development to enable teachers of Advanced Placement (AP) or other advanced courses to have the necessary content knowledge and instructional skills to prepare students for success in AP or other advanced course examinations and mastery of postsecondary content.
- Professional development for middle school teachers and administrators that will enable them to educate middle school students at the level necessary to prepare the students to enter high school ready for participation in advanced courses.
- Teacher training and materials that are aligned with the Sunshine State Standards<sup>3</sup> and consistent with best theory and practice regarding multiple learning styles research on learning, instructional strategies, instructional design, and classroom assessment.
- A plan for communication and coordination of efforts with the Florida Virtual School's<sup>4</sup> provision of online AP or other advanced courses.

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<sup>1</sup>The College Board is a not-for-profit membership association whose mission is to connect students to college success and opportunity. Founded in 1900, the College Board is composed of more than 5,700 schools, colleges, universities and other educational organizations. The SAT®, the PSAT/NMSQT® and the Advanced Placement Program® (AP®) are some of its well-known programs. <http://www.collegeboard.com/about/index.html>.

<sup>2</sup> s. 1007.35, F.S.

<sup>3</sup> "Sunshine State Standards" or "Next Generation Sunshine State Standards" means the state's public K-12 curricular standards. The term includes the Sunshine State Standards that are in place for a subject until the standards for that subject are replaced by the Next Generation Sunshine State Standards. s. 1000.21(7), F.S. See s. 1003.41, F.S.

<sup>4</sup> The Florida Virtual School develops and delivers online and distance learning education and is administratively housed within the Commissioner of Education's Office of Technology and Information Services. s. 1002.37, F.S.

- Information to students, parent, teachers, counselors, and administrators regarding the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) or Preliminary ACT (PLAN) administration.
- College entrance examination preparation through a variety of means such as training teachers to provide courses at schools; training community organizations to provide courses at community centers, faith-based organizations, and businesses; and providing on-line courses.<sup>5</sup>

In addition, the Partnership must:

- Assess student strengths and weaknesses for potential success in AP or other advanced courses and readiness for postsecondary education;
- Consider ways to incorporate community colleges in the mission of preparing students for postsecondary success.
- Work with school districts to identify minority and underrepresented students for participation in AP or advanced courses and to inform students and parents regarding opportunities to take AP and other advanced courses and to explain the enrollment procedures that students must follow to enroll in such courses.
- Cooperate with the DOE to provide information to administrators, teachers, and counselors about partnership activities, opportunities, and priorities.<sup>6</sup>

### **Articulated Acceleration Mechanisms**

Articulation acceleration mechanisms serve to reduce the time necessary for a secondary or postsecondary student to complete the requirements for receipt of a high school diploma and a postsecondary degree, broaden the scope the curriculum available to students, or increase the depth of study available for a particular subject.<sup>7</sup> Articulation mechanisms include, but are not limited to, International Baccalaureate (IB), Advanced International Certificate of Education (AICE), credit by examination or demonstration of competency, Advanced Placement (AP), early admissions, and dual enrollment. The Florida Virtual School also offers additional opportunities for early graduation and acceleration.<sup>8</sup>

#### *International Baccalaureate Program*

The International Baccalaureate (IB) Program is administered by the International Baccalaureate Organization.<sup>9</sup> The IB Program is an intensive two-year curriculum that allows students to earn an IB diploma in addition to the standard high school diploma.<sup>10</sup> Students enrolled in an IB program are eligible to receive postsecondary credit only if they obtain a passing score on the corresponding IB Examinations. Public school students in Florida are exempt from the payment of any fees associated with the administration of the examinations<sup>11</sup> regardless of whether they achieve a passing score. Cut off scores and postsecondary course equivalencies are determined by the Articulation Coordinating Committee (ACC)<sup>12</sup> and approved by the State Board of Education (SBE). Students may be awarded a maximum of 30 semester credit hours earned via the IB program.<sup>13</sup>

<sup>5</sup> s. 1007.35, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> s. 1007.27, F.S.

<sup>8</sup> s. 1007.22, F.S.

<sup>9</sup> s. 1007.27(8), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> There is a \$135 per student registration fee for the IB Program. For each subject examination taken, the cost is \$92. For a diploma student taking six examinations, the cost would be \$135 (registration fee) in addition to the six examination fees for a total of \$687 per student. Department of Education, Email correspondence, March 12, 2010.

<sup>12</sup> The Articulation Coordinating Committee is a K-20 advisory body appointed by the Commissioner of Education. It is comprised of representatives from all levels of public and private education: the State University System, the Community College System,

### *Advanced International Certificate of Education (AICE) Program*

The Advanced International Certificate of Education (AICE) Program is administered by the University of Cambridge Local Examinations Syndicate.<sup>14</sup> The AICE program follows an international curriculum and is designed to provide accelerated courses that lead to college credit for students in grades 11 and 12.<sup>15</sup> Students who successfully complete six credits within 13 months receive the AICE diploma.<sup>16</sup> Public school students in Florida are exempt from the payment of any fees associated with the administration of the examinations<sup>17</sup> regardless of whether they achieve a passing score. Cut off scores and postsecondary course equivalencies are determined by the ACC and approved by the SBE. Students may be awarded a maximum of 30 semester credit hours earned through the AICE program.<sup>18</sup>

### *Advanced Placement Program*

The Advanced Placement (AP) program, administered by the College Board, provides high school students the opportunity to enroll in advanced courses of study and earn college credit.<sup>19</sup> Postsecondary credit for an AP course is limited to students who score a minimum of 3, on a 5-point scale, on the corresponding AP examination.<sup>20</sup> The courses for which students receive postsecondary credit are identified in the statewide articulation agreement. Public school students in Florida are exempt from the payment of any fees associated with the administration of the examinations<sup>21</sup> regardless of whether they achieve a passing score.<sup>22</sup>

### *Additional Funding for School Districts and Teacher Bonuses*

School districts that offer IB, AICE, and AP programs, as well as the teachers that provide instruction in these programs, may be eligible for financial bonuses.<sup>23</sup> School districts are eligible for additional Florida Education Finance Program (FEFP)<sup>24</sup> funding based on the examination scores and program diplomas, as applicable, of students participating in these programs.<sup>25</sup>

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independent postsecondary institutions, public schools, nonpublic schools, and career and technical education. There is also an additional member representing students. The ACC exists to coordinate ways to help students move easily from institution to institution and from one level of education to the next. *See* s. 1007.22, F.S. and <http://www.fldoe.org/articulation/postacchome.asp>.

<sup>13</sup> s. 1007.27(8), F.S.

<sup>14</sup> s. 1007.27(9), F.S. Cambridge Assessment is the new name for the University of Cambridge Local Examinations Syndicate (UCLES) <http://www.cie.org.uk/aboutcie/history>.

<sup>15</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries, November 2009. <http://www.oppaga.state.fl.us/profiles/2028/>.

<sup>16</sup> *Id.*

<sup>17</sup> For the AICE Program, subject examinations cost \$36.10 each. Department of Education, Email correspondence, March 12, 2010.

<sup>18</sup> s. 1007.27(9), F.S.

<sup>19</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries, November 2009. <http://www.oppaga.state.fl.us/profiles/2028/>.

<sup>20</sup> s. 1007.27(6), F.S.

<sup>21</sup> AP examinations cost \$78 per examination. However, if a student qualifies for the free and reduced-lunch under the National School Lunch Program, the examination is \$56. Department of Education, Email correspondence, March 12, 2010.

<sup>22</sup> *Id.*

<sup>23</sup> s. 1011.62(1)(m), (n), and (o), F.S.

<sup>24</sup> The Florida Education Finance Program (FEFP) is the mechanism used by the state to fund the operating costs of Florida's school districts. The FEFP bases financial support for education upon individual students participating in certain education programs. FEFP funds are primarily generated by multiplying the number of full-time equivalent (FTE) students in each of the funded education programs by cost factors to obtain weighted FTE students. s. 1011.62, F.S.

<sup>25</sup> *Id.*

## Additional Funding for School Districts

*IB Program:* School districts receive a value of 0.16 additional full-time equivalent student membership (FTE) for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination.<sup>26</sup> An additional value of 0.3 FTE is calculated for each student who receives an IB diploma. The additional values are added to the total FTE in basic programs for students in grades 9 through 12 in the subsequent fiscal year.<sup>27</sup>

*AICE Program:* School districts receive a value of 0.16 additional FTE student membership for each student enrolled in a full-credit AICE course who receives a score of “E” or higher on a subject examination.<sup>28</sup> An additional value of 0.08 additional FTE is calculated for each student enrolled in a half-credit AICE course who receives a score of “E” or higher on a subject examination. An additional value of 0.3 FTE is calculated for each student who receives an AICE diploma. The additional values are added to the total FTE in basic programs for students in grades 9 through 12 in the subsequent fiscal year.<sup>29</sup>

*AP Program:* School districts receive a value of 0.16 additional FTE student membership for each student who receives a score of 3 or higher on the College Board AP Examination.<sup>30</sup> This amount is added to the subsequent year’s total FTE in basic programs for students in grades 9 through 12. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction to the high school that generates the funds.<sup>31</sup>

Unlike the IB and AICE programs, students do not have to be enrolled in an AP course to sit for the examination, and if that student scores a 3, the school district will earn 0.16 additional FTE.

### Teacher Bonuses

*IB Program:* The school district must distribute to each teacher that provides IB instruction:

- A bonus in the amount of \$50 for each IB student taught by the teacher who receives a score of 4 or higher on the IB examination.
- An additional bonus of \$500 for an IB teacher in a school designated with a performance grade<sup>32</sup> of “D” or “F” who has *at least one student scoring 4 or higher* on the IB examination regardless of the number of classes taught or of the number of students scoring a 4 or higher on the IB examination.

Bonuses awarded to a teacher may not exceed \$2,000 in any given school year and is in addition to any regular wage or bonus the teacher received or is scheduled to receive.<sup>33</sup>

*AICE Program:* The school district must distribute to each teacher that provides AICE instruction:

- A bonus in the amount of \$50 for each AICE student taught by the teacher who receives a score of “E” or higher on the full-credit AICE course examination.

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<sup>26</sup> IB examinations are scored 1 to 7. Office of Program Policy Analysis and Government Accountability, Government Program Summaries, November 2009. <http://www.oppaga.state.fl.us/profiles/2028/>.

<sup>27</sup> s. 1011.62(1)(m), F.S.

<sup>28</sup> AICE examinations are scored A to E. <http://www.cie.org.uk/qualifications/academic/uppersec/aice>.

<sup>29</sup> s. 1011.62(1)(n), F.S.

<sup>30</sup> AP examinations are scored 1 to 5. Office of Program Policy Analysis and Government Accountability, Government Program Summaries, November 2009. <http://www.oppaga.state.fl.us/profiles/2028/>.

<sup>31</sup> s. 1011.62(1)(o), F.S.

<sup>32</sup> All public schools, including charter schools, which have at least 30 students with valid FCAT scores in reading for the current and prior years and at least 30 students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade. s. 1008.34(3)(a)1., F.S. and Rule 6A-1.09981(4), F.A.C.

<sup>33</sup> s. 1011.62(1)(m), F.S.

- A bonus in the amount of \$25 for each AICE student taught by the teacher who receives a score of “E” or higher on the half-credit AICE course examination.
- An additional bonus of \$500 for an AICE teacher in a school designated with a performance grade of “D” or “F” who has *at least one student scoring “E” or higher* on the full-credit AICE examination regardless of the number of classes taught or of the number of students scoring “E” or higher on the full-credit AICE examination.<sup>34</sup>
- An additional bonus of \$250 for an AICE teacher in a school designated with a performance grade of “D” or “F” *who has at least one student scoring “E” or higher* on the half-credit AICE examination regardless of the number of classes taught or the number of students scoring “E” or higher on the half-credit AICE examination.

Bonuses awarded to a teacher may not exceed \$2,000 in any given school year and is in addition to any regular wage or bonus the teacher received or is scheduled to receive.<sup>35</sup>

*AP Program:* The school district must distribute to each teacher that provides AP instruction:

- A bonus in the amount of \$50 for each student taught by the teacher who receives a 3 or higher on the College Board AP examination.
- An additional bonus of \$500 for an AP teacher in a school designated with a performance grade of “D” or “F” who has *at least one student scoring 3 or higher* on the College Board AP examination regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board AP examination.

Bonuses awarded to a teacher may not exceed \$2,000 in any given school year and is in addition to any regular wage or bonus the teacher received or is scheduled to receive.<sup>36</sup>

The table below shows the amount of estimated funding to school districts and the estimated bonuses paid to teachers, as well as, registration fees, test costs, and annual school fees from school districts for the IB, AICE, and AP Programs. Unidentified costs include administrative costs of the programs and professional development costs. Depending on the amount of funds associated with these items, the balance of funds shown below would also be available for teacher bonuses.<sup>37</sup>

	2009-2010 Third FEFP Calc Weighted FTE Estimated Funding to School Districts	Estimated Teacher Bonus Amounts (Uncapped)	Estimated Cost Per Student Registration Fee	Estimated Cost Per Student Test Cost	Estimated Cost Annual School Fee	Balance
Advance Placement	\$57,676,806 (Exam)	\$10,487,100		\$18,240,378		\$28,949,328
International Baccalaureate	\$13,189,679 (Exam & Diploma)	\$888,050	\$2,397,735	\$1,634,012	\$518,400	\$7,751,482
Advanced International Certificate of Education	\$2,251,227 (Score & Diploma)	\$170,850		\$123,355		\$1,957,022
Total	\$73,117,712	\$11,546,000	\$2,397,735	\$19,997,745	\$518,400	\$38,657,832

### *Student Participation in IB, AICE, and AP Programs in 2008-2009*

In fiscal year 2008-2009, IB programs were available in 30 school districts, with 54 public and 8 private high schools participating. During the 2008-2009 school year, 10,206 students, or 1 percent of all public

<sup>34</sup> s. 1011.62(1)(n), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> s. 1011.62(1)(o), F.S.

<sup>37</sup> Analysis prepared by legislative staff, March 19, 2010.

high school students, were enrolled in Florida's IB diploma programs in public high schools.<sup>38</sup> During the 2008-2009 school year, 2,524 students, or less than 1 percent of public high school students, were enrolled in AICE courses.<sup>39</sup>

During fiscal year 2008-2009, there were 142,221 public high school students in 450 schools enrolled in at least one AP course. This represented approximately 17 percent of high school students enrolled that year. In fiscal year 2008-2009, 131,818 students in public high schools took 233,851 AP examinations. Of the total AP exams taken, 43 percent (100,356) were passed with score of three or higher.<sup>40</sup>

## **Effect of Proposed Changes**

### **Florida Partnership for Minority and Underrepresented Student Achievement**

The bill creates the "Incentives for Excellence in Education Act" and requires the Partnership, in conjunction with the Department of Education (DOE), to post an annual report on DOE's website on or before January 15. The report must identify:

- The total number of teachers who participate in professional development associated with AP courses and the registration fees associated with such professional development.
- The number and value of scholarships awarded by the College Board for teacher participation in AP professional development.

With respect to students, the report must, at the state level, identify by subject, race, and gender:

- The number of students per school who enroll in AP courses.
- The number of AP courses in which such students enroll.
- The number and percentage of students enrolled in AP courses who take the AP Examination that corresponds to each course.
- The number and percentage of students enrolled in AP courses who take the AP Examination that corresponds to each course and receive a score of 3 or higher.
- The number and percentage of students who take an AP Examination without having enrolled in the corresponding AP course and earn a score of 3 or higher.

The report must also provide the amount paid by the state for each examination and the total rebates provided to each school for the administration of AP Examinations.

### **Articulated Acceleration Mechanisms**

#### *Bonuses for IB, AICE, and AP Teachers*

The bill requires each school district to allocate 100 percent of the FEFP funds received for IB, AICE, and AP Program instruction to the program that generates the funds. The funds allocated must be expended solely for the payment of administrative costs, including the costs associated with the respective program's annual school fees, examination fees, and professional development for IB, AICE, and AP teachers.

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<sup>38</sup> Office of Program Policy Analysis and Government Accountability, Government Program Summaries, November 2009.

<http://www.oppaga.state.fl.us/profiles/2028/>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

The bill amends the method which bonuses for teachers of IB, AICE, and AP Programs are calculated and earned as follows:

#### IB

- The teacher bonus equals the proportionate value of the 0.16 additional FTE funding per eligible student score minus the administrative costs, or \$50 per eligible student score, whichever is greater.
- The teacher bonus in a school designated with a grade of “D” or “F” is an additional \$500 if any of the teacher’s IB students score 4 or higher on an IB examination.
- The \$2,000 cap on bonuses for IB teachers is removed.
- If funds received are not sufficient to fully pay for teacher bonuses, a school district may prorate all teacher bonuses proportionately to the total funds available.

#### AICE

- The teacher bonus equals the proportionate value of the 0.16 or 0.08 additional FTE funding per eligible student score minus the administrative costs, or \$50 per eligible student score, whichever is greater.
- The teacher bonus in a school designated with a grade of “D” or “F” is an additional \$500 if any of the teacher’s AICE students score E or higher on an AICE examination.
- The \$2,000 cap on bonuses for AICE teachers is removed.
- If funds received are not sufficient to fully pay for teacher bonuses, a school district may prorate all teacher bonuses proportionately to the total funds available.

#### AP

- The teacher bonus equals the proportionate value of the 0.16 additional FTE funding per eligible student score minus the administrative costs, or \$50 per eligible student score, whichever is greater. Using funding earned by students scoring a 3 or higher on an AP examination who are not enrolled in the AP class as part of the calculation to determine teacher bonuses appears inequitable compared to IB and AICE programs where students must be enrolled in the class.
- The teacher bonus in a school designated with a grade of “D” or “F” is an additional \$500 per student for the teacher’s first four students who score a 3 or higher on an AP examination.
- The \$2,000 cap on bonuses for AP teachers is removed.
- If funds received are not sufficient to fully pay for teacher bonuses, a school district may prorate all teacher bonuses proportionately to the total funds available.

Current law states that bonuses awarded to a teacher may not exceed \$2,000 in any given school year. By removing this requirement, IB, AICE, and AP teachers may be able to earn a larger bonus in a school year.

#### B. SECTION DIRECTORY:

**Section 1:** Creates the “Incentives for Excellence in Education Act.”

**Section 2:** Amends the s. 1007.35, F.S., Florida Partnership for Minority and Underrepresented



Student Achievement.

**Section 3:** Amends s. 1011.62, F.S., funds for operation of schools.

**Section 4:** Provides an effective date of July 1, 2010.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

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

#### 2. Expenditures:

See FISCAL COMMENTS.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

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

#### 2. Expenditures:

See FISCAL COMMENTS.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

DOE Comments:

Districts will be required to allocate 100% of the FEFP funds generated by students who earn an eligible score on the AP, IB, or AICE exams, or an IB or AICE diploma, to the respective program that generates the funds. To the extent that a district did not allocate the funds to the respective programs in the past, a district will have less discretionary funds available for other purposes. For example, during the 2008-2009 school year, school districts generated \$52.9 million for the AP Program and distributed \$3.65 million of that amount to AP teachers for bonuses, leaving the balance to be spent on school operations.

The removal of the \$2,000 cap on teacher bonuses would result in a greater possibility that the bonuses would exceed the amount earned from the additional 0.16 FTE, especially in "D" or "F" schools. Depending on the number of students per class that receive qualifying scores, the amount to be paid in teacher bonuses may need to be prorated in order to cover the administrative costs for the course and exam.

The bill provides that teacher bonuses shall be a proportionate value of the .16 FTE additional funding minus administrative costs, or a dollar amount per student, whichever is greater. The intended meaning of "proportionate value" is not clear. The statute currently provides that teacher bonuses are paid out based on the number of students in an eligible teacher's class that receives a

qualifying score. The bill language could be interpreted to mean that bonuses are to be paid out equally among all eligible teachers.<sup>41</sup>

The proposed statutory language does not specify if the data is required statewide, by district, or by school. If the report is disaggregated by district or school and then disaggregated by subject, race, and gender, then the report may require masking in order to make it compliant with the Family Educational Rights and Privacy Act (FERPA).

The College Board maintains the data listed in paragraphs 1 and 3. If DOE is required to report on the data listed in paragraph 2, the due date for the report needs to be extended from August 1. DOE does not collect the student-level data from College Board until late September or early October. DOE would be required to load the data from College Board, match it to the course data collected by DOE, and run the report. It would be difficult for the DOE to complete all the steps required to produce and post a report prior to December 31.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

None.

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

Additional funding can be earned in AP, IB, and AICE if a student achieves a certain threshold score. Consideration could be given to scaling additional funding, i.e., a lesser amount for the minimum threshold score and increasing higher amounts for higher scores. In other words, there is no incentive to the school district or teacher to strive for top performance by students.

Unlike the IB and AICE programs, students do not have to be enrolled in an AP course to sit for the examination, and if that student scores a 3, the school district will earn 0.16 additional FTE.

Using funding earned by students scoring a 3 or higher on an AP examination who are not enrolled in the AP class as part of the calculation to determine teacher bonuses appears inequitable compared to IB and AICE programs where students must be enrolled in the class.

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<sup>41</sup> Department of Education Analysis of HB 1287, March 1, 2010.

#### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the PreK-12 Policy Committee adopted three amendments and reported the bill favorably as a Committee Substitute (CS). The difference between the CS and the House Bill is as follows:

- HB 1287 contained whereas clauses. The CS removes all whereas clauses.
- HB 1287 required the annual report submitted by the Partnership, in cooperation with DOE, to be posted on the DOE Website on or before August 1. The CS requires the annual report to be posted on or before January 15. HB 1287 did not specify how student data for the annual report was to be collected. The CS clarifies that such data must be reported per school and at the state level.
- HB 1287 did not define proportionate value as it relates to the calculation of a teacher's bonus. The CS states that the teacher bonus equals the proportionate value of the additional FTE funding per eligible student score minus the administrative costs, or \$50 per eligible student score, whichever is greater.
- For the IB Program, HB 1287 stated that the teacher bonus in a school designated with a grade of "D" or "F" equals 10 times the proportionate value of the 0.16 additional FTE funding minus administrative costs for each eligible student score and minus the fees charged for each examination, or \$500 per eligible student score, whichever is greater. The CS provides that the teacher bonus in a school designated with a grade of "D" or "F" is an additional \$500 if any of a teacher's IB students score 4 or higher on an IB examination.
- For the AICE Program, HB 1287 stated that the teacher bonus in a school designated with a grade of "D" or "F" equals 10 times the proportionate value of the 0.16 or 0.08 additional FTE funding minus administrative costs for each eligible student score and minus the fees charged for each examination, or \$500 per eligible student score, whichever is greater. The CS provides that the teacher bonus in a school designated with a grade of "D" or "F" is an additional \$500 if any of the teacher's AICE students score E or higher on an AICE examination.
- For the AP Program, HB 1287 stated that the teacher bonus in a school designated with a grade of "D" or "F" equals 10 times the proportionate value of the 0.16 additional FTE funding minus administrative costs for each eligible student score and minus the fees charged for each examination, or \$500 per eligible student score, whichever is greater. The CS provides that the teacher bonus in a school designated with a grade of "D" or "F" is an additional \$500 per student for the teacher's first four students who score a 3 or higher on an AP examination.
- The CS includes a provision for the teacher bonuses under the IB, AICE, and AP Programs which states that if funds received are not sufficient to fully pay for teacher bonuses, a school district may prorate all teacher bonuses proportionately to the total funds available. HB 1287 did not contain this provision.