

CS/CS/SB 154 by **CA, ED, Hays**; (Similar to CS/CS/CS/1ST ENG/H 0041) Hazardous Walking Conditions

SB 818 by **Garcia**; (Compare to CS/CS/H 0665) Maximum Class Size

448294 D S L RCS AED, Montford Delete everything after 03/18 10:43 AM

CS/SB 688 by **ED, Montford**; (Similar to H 0349) Opening and Closing of Public Schools

537078 A S L RCS AED, Montford Delete L.23 - 27: 03/18 10:43 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Senator Gaetz, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, March 16, 2015
TIME: 4:00 —6:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Gaetz, Chair; Senator Montford, Vice Chair; Senators Bullard, Galvano, Legg, Ring, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 154 Community Affairs / Education Pre-K - 12 / Hays (Similar CS/H 41)	Hazardous Walking Conditions; Requiring a district school board to correct hazardous walking conditions and provide transportation to students who would be subjected to hazardous walking conditions; requiring state or local governmental entities with jurisdiction over a road with a hazardous walking condition to correct the condition within a reasonable period of time; revising criteria that determine a hazardous walking condition for public school students, etc. ED 02/18/2015 Fav/CS CA 03/04/2015 Fav/CS AED 03/16/2015 Favorable AP	Favorable Yeas 7 Nays 0
2	CS/SB 688 Education Pre-K - 12 / Montford (Similar H 349, Compare CS/H 7069)	Opening and Closing of Public Schools; Revising a requirement for the uniform opening date of public schools; providing that academically high-performing school districts must comply with provisions relating to the uniform opening date of public schools; providing an exception for certain school districts for a certain timeframe, etc. ED 03/04/2015 Fav/CS AED 03/16/2015 Fav/CS AP	Fav/CS Yeas 7 Nays 0
3	SB 818 Garcia (Compare CS/H 665)	Maximum Class Size; Requiring the calculation of a school district's class size categorical allocation reduction at the school average when maximum class size requirements are not met; revising the calculation, etc. ED 03/04/2015 Favorable AED 03/16/2015 Fav/CS AP	Fav/CS Yeas 5 Nays 2
4	Review and Discussion of Fiscal Year 2015-2016 Budget Issues Relating to: Department of Education Board of Governors Office of Early Learning		Discussed

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Education
Monday, March 16, 2015, 4:00 —6:00 p.m.

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Other Related Meeting Documents

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 Appropriations Subcommittee on Education

BILL: CS/CS/SB 154

INTRODUCER: Community Affairs Committee; Education Pre-K - 12 Committee; and Senator Hays

SUBJECT: Hazardous Walking Conditions

DATE: March 16, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
3.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 154 requires that district school boards, in cooperation with the relevant governmental entities, inspect and identify hazardous conditions along routes that students must take while walking to or from school. The bill also requires that the relevant governmental entities correct any hazardous walking conditions within a reasonable period of time.

Furthermore, the bill:

- Revises the conditions for identifying walkways parallel to a road as hazardous.
- Creates criteria for identifying conditions at uncontrolled crossing sites as hazardous.
- Revises the process for inspecting, identifying, and correcting hazardous walking conditions.
- Authorizes a district school board to initiate a proceeding to obtain a declaratory judgment if, after inspection, the governmental representatives are unable to reach a consensus on whether a hazardous walking condition exists.
- Provides that the designation of a road as a hazardous walking condition is inadmissible as evidence in a civil action for damages against a governmental entity.

The additional hazardous walking criteria provided in the bill likely will increase the number of students that can be counted for state transportation funding in the Florida Education Finance Program. However, the number of such students is not known. This increase in the number of funded student riders would cause a reallocation of student transportation funds towards districts that have a relatively greater number of students subject to the additional hazardous walking

conditions identified in the bill and, dependent on the total level of the appropriation, may reduce the statewide funds per transported student for all districts.

The bill takes effect July 1, 2015.

II. Present Situation:

Transportation of Public K-12 Students

Each district school superintendent is responsible for determining which students to transport and for making recommendations to the district school board regarding transportation plans and procedures, including the routing and scheduling of school buses.¹ Based on the district school superintendent's recommendations, the district school board is required to provide transportation for students in grades 6 and below, and may provide transportation to students in grades 7 through 12, if the students are subjected to hazardous walking conditions while in route to or from school.²

Hazardous Walking Conditions

Section 1006.23, F.S., provides legislative intent for a district school board to provide transportation to students³ who live within 2 miles of a school in that district and who would be subjected to hazardous walking conditions.⁴ Furthermore, the law intends for district school boards and state or local governmental entities having jurisdiction to cooperate in identifying hazardous walking conditions and, if a hazardous condition exists, for the applicable governmental entities to correct it within a reasonable time.⁵

Criteria for Identifying Hazardous Conditions

State law delineates the criteria for identifying hazardous walking conditions associated with walking parallel to a road or perpendicular to road for the purpose of crossing.⁶

A hazardous condition exists if a walkway parallel to a road is:

- Less than a four-foot wide area adjacent to the road that requires the student to walk on the road surface; or
- Uncurbed with a posted speed limit of 55 miles per hour and a walking surface less than three feet from the road.⁷

¹ Sections 1006.21 and 1006.22, F.S.

² Section 1006.21(3)(b), F.S.

³ A "student" is defined as "any public elementary school student whose grade level does not exceed grade 6." Section 1006.23(1), F.S.

⁴ Section 1006.23(2) and (3), F.S. *See generally* Florida Department of Education, School Transportation Management Section, available at <http://www.fldoe.org/core/fileparse.php/7585/urlt/0085491-profiles1213.pdf> (*The Quality Link—Florida School District Transportation Profiles*), 2012-2013 (contains statewide and school district data on the total number of students subjected to hazardous walking conditions) (last visited February 24, 2015). Additional school transportation information is available at <http://www.fldoe.org/schools/safe-healthy-schools/transportation/index.shtml> (last visited February 24, 2015).

⁵ Section 1006.23(2)(a), F.S.

⁶ Section 1006.23(4), F.S.

⁷ Section 1006.23(4)(a)1., F.S.

However, a road along which a student must walk may not be identified as a hazardous walking condition if:

- It is located in a residential area that has little to no transient traffic;
- The total traffic volume⁸ is less than 180 vehicles per hour, per direction, during a time that a student walks to or from school; or
- It is located in a residential area that has a posted speed limit of 30 miles per hour or less.⁹

A hazardous walking condition exists on a walkway perpendicular to a road if:

- The total traffic volume exceeds 360 vehicles per hour, per direction, during a time that a student walks to or from school, and the crossing area is an “uncontrolled crossing site”;¹⁰ or
- The total traffic volume of a road exceeds 4,000 vehicles per hour, during which time a student would be walking to or from school, through an intersection or crossing area controlled by a stop sign or other traffic signal, unless a crossing guard or traffic enforcement officer is present during a time that a student walks to or from school.¹¹

Inspection, Determination, and Correction

After a request for review of a perceived hazardous walking condition is made to a district school superintendent, or his or her designee, a school district representative and a representative of the state or local governmental entity having jurisdiction must inspect the perceived hazardous condition.¹² The superintendent or designee and the applicable governmental entity or its representative must reach a mutually agreed-upon final determination as to whether the hazardous condition meets the state criteria in s. 1006.23(4), F.S.¹³ Subsequently, the superintendent or designee reports the final determination to the Department of Education.¹⁴

If a hazardous condition is determined to exist, the district school board must request that the governmental entity determine whether it will correct the hazardous condition and the projected completion date.¹⁵ The state is required to allocate funds to the school district for transporting students affected by the hazardous walking condition; however, funding ceases upon correction of the condition or upon the projected completion date, whichever occurs first.¹⁶

⁸ Traffic volume is determined by the most recent state or local government agency traffic engineering study. Section 1006.23(4)(b), F.S.

⁹ Section 1006.23(4)(a)2., F.S.

¹⁰ An “uncontrolled crossing site” is defined as “an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign, or other traffic control signal is present during the times students walk to and from school.” Section 1006.23(b)1., F.S.

¹¹ Section 1006.23(4)(b), F.S.

¹² Section 1006.23(3), F.S.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1006.23(2)(b), F.S.

¹⁶ *Id.* See Florida Department of Education, *Student Transportation General Instructions 2014-2015*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/0077152-1415studenttransgeneralinstructions.pdf> (last visited February 24, 2015).

III. Effect of Proposed Changes:

The bill removes the intent language in existing s. 1006.23(2)(a), F.S., and requires that district school boards and state or local governmental entities jointly inspect and identify hazardous conditions along routes that students must take while walking to or from school; that district school boards provide transportation to such students; and that the applicable governmental entity either correct the designated hazardous conditions or justify in writing to the district school superintendent and the Department of Education (DOE) why it will not correct the hazardous condition. Current law may imply an expectation that district school boards and state or local governmental entities will exercise their discretion in inspecting, identifying, and correcting such conditions. By removing the intent language in paragraph (2)(a), the bill would resolve any uncertainty that the collaborative process relating to hazardous walking conditions is discretionary and would make that paragraph consistent with the other provisions in ss. 1006.23 and 1006.21(3)(b), F.S.

Criteria for Identifying Hazardous Conditions

Walkways Parallel to the Road

The bill revises the criteria for identifying walkways parallel to the road as hazardous by:

- Excluding drainage ditches, sluiceways, swales, or channels from inclusion in the required minimum four-foot wide area for safely walking parallel to the road;
- Reducing the posted speed limit from 55 miles per hour to 50 miles per hour or greater; and
- Removing an exception that hazardous walking conditions do not apply to residential areas with little or no transient traffic.

In effect, the bill will likely increase the number of roads designated as hazardous and needing correction.

Crossings Over the Road

The bill creates criteria for identifying hazardous walking conditions on roads over which a student must cross while walking to or from school. The bill requires that any road with an uncontrolled crossing site is hazardous if it has:

- A posted speed limit of 50 miles per hour or greater; or
- Six lanes or more, not including turn lanes, regardless of the speed limit.

Current law does not provide criteria for identifying roads with uncontrolled crossing sites as hazardous. Any existing uncontrolled crossing site that meets the criteria under the bill will be deemed hazardous and require the applicable governmental entity to correct the hazardous condition or provide justification in writing for not correcting the hazardous condition to the district school superintendent and the DOE.

Inspecting, Identifying, and Correcting Hazardous Conditions

Request for Review

The bill requires, upon the district school superintendent's request for review, that a joint inspection of a perceived hazardous condition be conducted on a road within a state or local government's jurisdiction.

Current law is unclear as to who is required to make the request and states that when a request for review is made to the district school superintendent, or his or her designee, the perceived hazardous condition must be inspected. The bill clarifies this ambiguity by replacing the word "to" with "by" and requiring that the request for review be made by the superintendent to the applicable governmental entity.

The bill removes the superintendent's designee as a party authorized to request review of a hazardous condition and places the authority to initiate an inspection solely with the superintendent.

Inspection

The bill specifically identifies the following governmental representatives who must participate in inspecting the affected road if the road is located within the applicable governmental jurisdiction:

- For a municipal road, a representative from the municipal police department;
- For a county road, a representative from the sheriff's department; and
- For a state road, a representative from the Department of Transportation.

Furthermore, the bill provides for the inclusion of a representative of a metropolitan planning organization (MPO) if the jurisdiction is within an area where there is an MPO.

The bill requires that the appropriate governmental entity most familiar with the affected road and its surrounding location participate in the entire process, *e.g.*, inspecting, identifying, and correcting the hazardous condition.

Final Determination of a Hazardous Condition

The bill revises the process for making a final determination on whether a hazardous walking condition exists. Current law requires that the applicable state or local governmental entity, or its representative, and the district school superintendent, or his or her designee, reach a mutually agreed-upon final determination that must be reported to the DOE. The bill removes the requirements that a district school superintendent, or his or her designee, participate in and report the final determination to the DOE. The bill requires that the governing entity with jurisdiction over the area report their determination in writing to the district school superintendent.

Declaratory Judgment

If unable to reach consensus, the bill requires the governmental representatives to report the reasons for the impasse to the district school superintendent. Subsequently, the superintendent must provide a report and recommendation to the district school board regarding the lack of

consensus. Under these circumstances, the bill authorizes a district school board to initiate a proceeding under ch. 86, F.S., to obtain a declaratory judgment as to whether the condition at issue is hazardous. If it is found that a hazardous walking condition exists, the superintendent must report the finding to DOE and formally request correction of the hazardous condition.

Existing law does not provide for a formal process or remedy if the governmental representatives are unable to agree on the existence of a hazardous walking condition.

Request for Correction

The bill revises the process by which a correction is requested and, unlike current law, requires that the applicable governmental entity submit a position statement informing the superintendent whether the correction will be included in its next annual 5-year transportation work program and when the correction will be completed.

Current law does not contemplate circumstances under which a governmental entity declines to correct a hazardous condition. Under the bill, if a governmental entity will not include correction of the hazardous condition in its next 5-year plan, it must justify its decision in a written statement to the district school superintendent and the DOE.

Admissibility of Evidence in Civil Action

The bill adds a provision that designation of a hazardous walking condition is not admissible in evidence in a civil action for damages brought against a governmental entity under s. 768.28, F.S., relating to waiver of sovereign immunity.

Effective Date

Section 2 provides an effective date of July 1, 2015.

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:

Under CS/CS/SB 154, private businesses that provide student transportation services and contractors hired to correct hazardous walking conditions may experience an increase in revenues until such conditions are corrected.¹⁷

C. Government Sector Impact:

The increase in the number of students who would qualify for transportation and the revenues or expenditures that state or local governmental entities would accrue or incur are indeterminate.¹⁸

Student transportation is funded by a categorical allocation within the Florida Education Finance Program (FEFP). The funding is based primarily on the number of transported students, identified through school district surveys, who live more than two miles from the school, are disabled, or who are subject to hazardous walking conditions.

Under the provisions of the bill, it is likely that the number of students that can be counted for state transportation funding will increase.¹⁹ This increase in the number of funded student riders could cause a reallocation of student transportation funds towards districts that have a relatively greater number of students subject to the additional hazardous walking conditions identified in the bill and, dependent on the total level of the appropriation, may reduce the statewide funds per transported student for all districts.²⁰

The increase in costs that would be incurred by local governmental entities having jurisdiction over the roads designated as hazardous, which would require correcting, cannot be estimated until such conditions are identified.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.23 of the Florida Statutes.

¹⁷ Florida Department of Education, 2015 Agency Legislative Bill Analysis, p. 6, received January 27, 2015 (on file with the Committee on Education Pre-K – 12).

¹⁸ *Id.* at 5.

¹⁹ *Id.*

²⁰ *Id.* See also, s. 1011.68, F.S., relating to the annual allocation of student transportation funds for each school district.

²¹ *Id.*

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on March 4, 2015:

Changes the words “capital improvement” to “transportation work.” Changes the entity responsible for reporting the determination of a hazardous walking condition to the district school superintendent from all of the government entities examining the area (“they” in text) to the singular government entity with jurisdiction over the area.

CS by Education Pre-K – 12 on February 18, 2015:

The committee substitute maintains the original substance of SB 154 with the following modifications:

- Removes a provision requiring that a district school board correct hazardous walking conditions.
- Authorizes a district school board to obtain a declaratory judgment under ch. 86, F.S., if a consensus cannot be reached on the existence of a hazardous walking condition.

- B. **Amendments:**

None.

By the Committees on Community Affairs; and Education Pre-K -
12; and Senator Hays

578-01927-15

2015154c2

1 A bill to be entitled
2 An act relating to hazardous walking conditions;
3 amending s. 1006.23, F.S.; requiring a district school
4 board to correct hazardous walking conditions and
5 provide transportation to students who would be
6 subjected to hazardous walking conditions; requiring
7 state or local governmental entities with jurisdiction
8 over a road with a hazardous walking condition to
9 correct the condition within a reasonable period of
10 time; providing requirements for a governmental entity
11 relating to its transportation work program; revising
12 procedures for inspection and identification of
13 hazardous walking conditions; requiring a district
14 school superintendent to initiate a formal request for
15 correction of a hazardous walking condition under
16 certain circumstances; authorizing a district school
17 board to initiate a declaratory judgment proceeding
18 under certain circumstances and providing requirements
19 therefor; deleting the requirement that the district
20 school superintendent and specified governmental
21 entities make a final determination that is mutually
22 agreed upon regarding hazardous walking conditions;
23 revising criteria that determine a hazardous walking
24 condition for public school students; providing
25 requirements relating to a civil action for damages;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Section 1. Section 1006.23, Florida Statutes, is reordered
31 and amended to read:
32 1006.23 Hazardous walking conditions.—
33 (1) DEFINITION.—As used in this section, the term “student”
34 means any public elementary school student whose grade level
35 does not exceed grade 6.
36 ~~(4)(2)~~ TRANSPORTATION; CORRECTION OF HAZARDS.—
37 (a) A district school board ~~It is intended that district~~
38 ~~school boards~~ and other governmental entities shall work
39 cooperatively to identify conditions that are hazardous along
40 student walking routes to school, and a district school board
41 shall ~~that district school boards~~ provide transportation to
42 students who would be subjected to such conditions.
43 Additionally, It is further intended that state or local
44 governmental entities with having jurisdiction over a road along
45 which a hazardous walking condition is determined to exist shall
46 correct the condition ~~such hazardous conditions~~ within a
47 reasonable period of time.
48 (b) Upon a determination pursuant to subsection (3) ~~this~~
49 ~~section~~ that a hazardous walking condition exists ~~is hazardous~~
50 ~~to students~~, the district school superintendent ~~board~~ shall
51 request a position statement with respect to correction of such
52 condition determination from the state or local governmental
53 entity with having jurisdiction over the road. Within 90 days
54 after receiving such request, the state or local governmental
55 entity shall inform the district school superintendent ~~regarding~~
56 whether the entity will include correction of the hazardous
57 walking condition in its next annual 5-year transportation work
58 program ~~hazard will be corrected~~ and, if so, when correction of

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59 the condition will be completed. If the hazardous walking
 60 condition will not be included in the state or local
 61 governmental entity's next annual 5-year transportation work
 62 program, the factors justifying such conclusion must be stated
 63 in writing to the district school superintendent and the
 64 Department of Education regarding a projected completion date.

65 (c) State funds shall be allocated for the transportation
 66 of students subjected to a hazardous walking condition. However,
 67 such hazards, provided that such funding shall cease upon
 68 correction of the hazardous walking condition hazard or upon the
 69 projected completion date, whichever occurs first.

70 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.-

71 (a) When a request for review is made by ~~to~~ the district
 72 school superintendent with respect to a road over which a state
 73 or local governmental entity has jurisdiction ~~or the district~~
 74 ~~school superintendent's designee~~ concerning a condition
 75 perceived to be hazardous to students in that district who live
 76 within the 2-mile limit and who walk to school, such condition
 77 shall be inspected jointly by a representative of the school
 78 district, ~~and~~ a representative of the state or local
 79 governmental entity with ~~that has~~ jurisdiction over the
 80 perceived hazardous location, and a representative of the
 81 municipal police department for a municipal road, a
 82 representative of the sheriff's office for a county road, or a
 83 representative of the Department of Transportation for a state
 84 road. If the jurisdiction is within an area for which there is a
 85 metropolitan planning organization, a representative of that
 86 organization shall also be included. The governmental
 87 representatives shall determine whether the condition

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88 constitutes a hazardous walking condition as provided in
 89 subsection (2). If the governmental representatives concur that
 90 a condition constitutes a hazardous walking condition as
 91 provided in subsection (2), the governing entity with
 92 jurisdiction shall report that determination in writing to the
 93 district school superintendent, who shall initiate a formal
 94 request for correction as provided in subsection (4).

95 (b) If the governmental representatives are unable to reach
 96 a consensus, the reasons for lack of consensus shall be reported
 97 to the district school superintendent, who shall provide a
 98 report and recommendation to the district school board. The
 99 district school board may initiate a proceeding under chapter 86
 100 seeking a determination as to whether the condition constitutes
 101 a hazardous walking condition as provided in subsection (2)
 102 after providing at least 30 days' notice in writing to the local
 103 governmental entities having jurisdiction over the road of its
 104 intent to do so unless, within 30 days after such notice is
 105 provided, the local governmental entities concur in writing that
 106 the condition is a hazardous walking condition as provided in
 107 subsection (2) and provide the position statement pursuant to
 108 subsection (4). If a proceeding is initiated under this
 109 paragraph, the district school board has the burden of proving
 110 such condition by the greater weight of evidence. If the
 111 district school board prevails, the district school
 112 superintendent shall report the outcome to the Department of
 113 Education and initiate a formal request for correction of the
 114 hazardous walking condition as provided in subsection (4) The
 115 district school superintendent or his or her designee and the
 116 state or local governmental entity or its representative shall

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117 then make a final determination that is mutually agreed upon
 118 regarding whether the hazardous condition meets the state
 119 criteria pursuant to this section. The district school
 120 superintendent or his or her designee shall report this final
 121 determination to the Department.

122 ~~(2)(4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING~~
 123 ~~CONDITIONS.-~~

124 (a) *Walkways parallel to the road.-*

125 1. It shall be considered a hazardous walking condition
 126 with respect to any road along which students must walk in order
 127 to walk to and from school if there is not an area at least 4
 128 feet wide adjacent to the road, not including drainage ditches,
 129 sluiceways, swales, or channels, having a surface upon which
 130 students may walk without being required to walk on the road
 131 surface. In addition, whenever the road along which students
 132 must walk is uncurbed and has a posted speed limit of 50 ~~55~~
 133 miles per hour or greater, the area as described above for
 134 students to walk upon shall be set off the road by no less than
 135 3 feet from the edge of the road.

136 2. ~~The provisions of Subparagraph 1. does~~ ~~de~~ not apply when
 137 the road along which students must walk:

138 ~~a. Is in a residential area which has little or no~~
 139 ~~transient traffic;~~

140 ~~a.b.~~ Is a road on which the volume of traffic is less than
 141 180 vehicles per hour, per direction, during the time students
 142 walk to and from school; or

143 ~~b.e.~~ Is located in a residential area and has a posted
 144 speed limit of 30 miles per hour or less.

145 (b) *Walkways perpendicular to the road.-*It shall be

578-01927-15

2015154c2

146 considered a hazardous walking condition with respect to any
 147 road across which students must walk in order to walk to and
 148 from school if:

149 1. ~~If~~ The traffic volume on the road exceeds the rate of
 150 360 vehicles per hour, per direction (including all lanes),
 151 during the time students walk to and from school and if the
 152 crossing site is uncontrolled. For purposes of this subsection,
 153 an "uncontrolled crossing site" is an intersection or other
 154 designated crossing site where no crossing guard, traffic
 155 enforcement officer, or stop sign or other traffic control
 156 signal is present during the times students walk to and from
 157 school.

158 2. ~~If~~ The total traffic volume on the road exceeds 4,000
 159 vehicles per hour through an intersection or other crossing site
 160 controlled by a stop sign or other traffic control signal,
 161 unless crossing guards or other traffic enforcement officers are
 162 also present during the times students walk to and from school.

163 Traffic volume shall be determined by the most current traffic
 164 engineering study conducted by a state or local governmental
 165 agency.

166 (c) Crossings over the road.-It shall be considered a
 167 hazardous walking condition with respect to any road at any
 168 uncontrolled crossing site which students must walk in order to
 169 walk to and from school if:

170 1. The road has a posted speed limit of 50 miles per hour
 171 or greater; or

172 2. The road has six lanes or more, not including turn
 173 lanes, regardless of the speed limit.
 174

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175 (5) CIVIL ACTION.—In a civil action for damages brought
176 against a governmental entity under s. 768.28, the designation
177 of a hazardous walking condition under this section is not
178 admissible in evidence.

179 Section 2. This act shall take effect July 1, 2015.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ALAN HAYS

11th District

March 13, 2015

The Honorable Don Gaetz
420 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Gaetz,

Due to a prior commitment in the district, I will not be in Tallahassee in time to present SB 154, Hazardous Walking Conditions, in the Appropriations Subcommittee on Education. Please allow my legislative aide to present this bill in my absence.

Thank you for your kind consideration of this matter.

A handwritten signature in black ink that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

REPLY TO:

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- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

3-16-15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

154
Bill Number (if applicable)

Topic Hazardous Walking Conditions

Amendment Barcode (if applicable)

Name Wendy Dodge

Job Title Director of Govt Affairs

Address PO Box 391

Phone 843-838-3652

Street
Bartow FL 33831

Email wendy.dodge@polk-fl.net

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Polk County Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

2

3/16/15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 154
Bill Number (if applicable)

Topic HAZARDOUS WALKING CONDITIONS (PUBLIC SCHOOLS) Amendment Barcode (if applicable)

Name BILL GRAHAM

INTERIM
Job Title EXEC. DIR. FLA. SCHOOL BDS. ASSOC.

Address 203 So. MONROE ST. Phone 850-414-2578

TALLAHASSEE FL 32301 Email graham@fsba.org
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA. SCHOOL BDS. ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

③

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

154
Bill Number (if applicable)

Meeting Date _____

Topic HAZARDOUS WALKING CONDITIONS

Amendment Barcode (if applicable) _____

Name LAURA YOUMANS

Job Title ADVOCATE

Address 100 N. MONROE ST

Phone 294-1838

Street

TAL

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(W)

3/16/15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 0154
Bill Number (if applicable)

Topic Hazardous Wet King Conditions

Amendment Barcode (if applicable)

Name Sandy Roth

Job Title Volunteer

Address 20802 Soneto Dr.

Phone 561 703-7821

Street PO Box Robon

City FL State 33433 Zip

Email palmbeachcountypta@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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W

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-2015

Meeting Date

CS/CS/SB 154

Bill Number (if applicable)

Topic Hazardous Walking Conditions

Amendment Barcode (if applicable)

Name Jim Brainerd

Job Title

Address 2814 Rabbit Hill Road

Phone (850) 508-6716

Street

Tallahassee

Florida

32308

Email brainerdlaw@comcast.net

City

State

Zip

Speaking: [] For [] Against [x] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Polk County

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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 Appropriations Subcommittee on Education

BILL: PCS/SB 818 (164078)

INTRODUCER: Appropriations Subcommittee on Education and Senator Garcia

SUBJECT: Maximum Class Size

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 818 revises the method for calculating the penalty for failure to comply with the class size requirements by calculating the penalty at the school average rather than the classroom level. The bill also revises the penalty calculation to multiply the number of full-time equivalent students in excess of the class size requirements by 50 percent of the base student allocation (BSA) rather than the full base student allocation.

The bill also removes the class size reduction calculation provision that authorizes the Commissioner to reallocate funds from noncompliant school districts to school districts that have fully met the class size requirements. In place of this reallocation, the bill requires each noncompliant school district to expend an amount of funds equal to the amount of the class size reduction calculation in the noncompliant schools to comply with the class size requirements as determined at the school average. Noncompliant school districts are required to post their compliance plan on the school district website and provide the plan to the school advisory committee of all noncompliant schools.

This bill has no impact on state funds. The bill would reduce the initial penalty for schools not in compliance with class size requirements. For the current year, for traditional public schools, the initial penalty for non-compliance was \$11.3 million. If the school average had been the standard for compliance along with the use of 50 percent of the BSA, the initial penalty would have been \$57,144. According to the Department of Education, schools of choice and charter schools, both of which are already subject to the school average requirement, would have seen their penalties

reduced from \$421,513 to \$257,000 and from \$2.8 million to \$1.9 million, respectively, due to revising the base student allocation portion of the penalty calculation to 50 percent.

This bill takes effect on July 1, 2015.

II. Present Situation:

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution.¹ The amendment requires the Legislature to make provisions to ensure that there are a sufficient number of classrooms in Florida so the maximum number of students assigned to each teacher does not exceed:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.²

Implementation of Class Size Reduction Amendment

In 2003, the Legislature enacted s. 1003.03, F.S., to implement the amendment's requirements.³ The law required each school district not in compliance with the constitutionally prescribed maximums to annually reduce its average number of students per classroom by two students beginning in 2003-2004 fiscal year.⁴ Further, it specified the number of students per classroom is to be measured at the:

- District level for each of the three grade groupings during fiscal years 2003-2006.
- School level for each of the three grade groupings in fiscal years 2006-2009.
- Individual classroom level for each of the three grade groupings in fiscal year 2009-2010 and thereafter.⁵

Currently, the compliance requirements for traditional public schools is calculated at the classroom level.⁶

Charter Schools and Public Schools of Choice

In 2010, the compliance calculation for charter schools was changed from class level average to the school level average.⁷ In 2013, the school level average calculation was applied to district operated schools of choice.⁸ District school boards annually report the number of students

¹ Office of Program Policy Analysis & Government Accountability, *School Districts are Reducing Class Size in Several Ways; May be able to Reduce Costs*, (May 3007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0729rpt.pdf>.

² Art. IX, s. 1(a) Fla. Const.

³ Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03, F.S.

⁴ Section 1003.03, F.S.

⁵ Section 2, ch. 2003-391, L.O.F., *codified at* s. 1003.03(2)(b), F.S. (2003).

⁶ Each year, on or before the October student membership survey, the maximum number of student assigned to each teacher who is teaching core-curricula courses for prekindergarten through grade 3 may not exceed 18 students, school classrooms for 4-8 may not exceed 22 students, core-curricula courses in 9-12 may not exceed 25 students. *See* ss. 1003.03(1), F.S. and 1002.33(16)(b)3, F.S.

⁷ Section 6, ch. 2010-154, L.O.F., *codified at* s. 1002.33(16)(b)3, F.S. (2010).

⁸ Florida Department of Education, *2014 Agency Legislative Bill Analysis for HB 319* (2014).

attending the various types of public schools of choice, which may include: virtual instruction programs, magnet schools, and public charter school.⁹

Class Size Categorical Reduction Allocation

Traditional public schools have class size limits set in every core-curricula classroom.¹⁰ Class size is measured at the classroom level average and if the district fails to comply with the class size requirements, a portion of the district class size reduction categorical funds are reduced.¹¹

Funding

The Class Size Reduction Allocation is funded with state funds in the Florida Education Finance Program (FEFP) based on a factor that compensates school districts for the additional teachers needed to achieve the class sizes of 18, 22, and 25 for grades prekindergarten to 3, 4 to 8, and 9 to 12, respectively.¹² Full funding was achieved by 2009-10 and since then, funds have been adjusted for workload.¹³ In 2014-15, total funds are \$3 billion.¹⁴

Compliance – Funding Adjustment

For 2014-15, school districts are required to comply with class size requirements at the classroom level for each of the grade groups.¹⁵ If a district is out of compliance, an initial reduction to the district's class size allocation is calculated by cumulating the excess students in a classroom and then multiplying the total by the class size reduction factor and the base student allocation.¹⁶ The initial penalty was calculated and determined to be \$11.3 million for traditional schools.¹⁷

For charter schools and schools of choice, compliance is measured based on the average class size for each school.¹⁸ Once compliance is determined, the calculation proceeds in the same manner as for traditional schools.¹⁹ The initial penalty was \$2.8 million for charter schools and \$421,513 for schools of choice for 2014-15.²⁰

Following the initial reduction calculation, the Commissioner can review appeals from school districts and make a recommendation to the Legislative Budget Commission for an alternate

⁹ Section 1002.31(4), F.S.

¹⁰ Section 1003.01(14), F.S.

¹¹ Section 1003.03(4), F.S.

¹² Section 1003.03, F.S.

¹³ Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

¹⁴ *Id.*

¹⁵ Section 1003.03(4), F.S.

¹⁶ *Id.*

¹⁷ Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

¹⁸ Section 6, ch. 2010-154, L.O.F., *codified at* s. 1002.33(16)(b)3, F.S. (2010).

¹⁹ *Id.*

²⁰ Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

reduction amount.²¹ For 2014-15, the Commissioner's recommendation is based on data errors and unexpected student growth.²² Following appeals, the Commissioner's alternate penalty recommendation for 2014-15 is \$1.3 million for traditional schools, \$562,397 for charter schools, and \$177,347 for schools of choice.²³ If approved, 25% of the penalty funds will be allocated to compliant districts and schools, and if the noncompliant districts and schools submit a plan to achieve compliance in the following school year, then 75% of the penalty will be waived.²⁴

III. Effect of Proposed Changes:

The bill revises the method for calculating the penalty for failure to comply with the class size requirements by performing the calculation at the school average instead of at the classroom level. The bill also revises the penalty calculation to multiply the number of full-time equivalent students in excess of the class size requirements by 50 percent of the BSA rather than the full base student allocation.

Changes to the calculation of full-time equivalent (FTE) students greater than the class size maximums in traditional public schools to be based on school level averages, rather than at the classroom level, will reduce the amount of FTE out of compliance used to calculate the reduction to the class size allocation.²⁵ Furthermore, the change to the BSA for the penalty calculation will reduce the penalty associated with the FTE that are out of compliance for traditional schools, schools of choice, and charter schools.

The bill removes the class size reduction calculation provision that authorizes the Commissioner to reallocate funds from noncompliant school districts to school districts that have fully met the class size requirements. In place of this reallocation, the bill requires each noncompliant school district to expend an amount of funds equal to the amount of the class size reduction calculation in the noncompliant schools to comply with the class size requirements as determined at the school average. Noncompliant school districts are required to post their compliance plan on the school district website and provide the plan to the school advisory committee of all noncompliant schools.

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²¹ Section 1003.03(4), F.S.

²² *Id.*

²³ Florida Department of Education, *Budget Amendment Request, FY 2014-2015* (Feb. 2015) on file with the Committee on Education Pre-K – 12 staff.

²⁴ *Id.*

²⁵ Florida Department of Education, *2014 Agency Legislative Bill Analysis for HB 319* (July 2014).

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

PCS/SB 818 has no impact on state funds. The bill would reduce the penalty for schools not in compliance with class size requirements. For the current year, for traditional public schools, the initial penalty for non-compliance was \$11.3 million. If the school average had been the standard for compliance along with the use of 50 percent of the BSA, the initial penalty would have been \$57,144. According to the Department of Education, schools of choice and charter schools, both of which are already subject to the school average requirement, would have seen their penalties reduced from \$421,513 to \$257,000 and from \$2.8 million to \$1.9 million, respectively, due to revising the base student allocation portion of the penalty calculation to 50 percent.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 1003.03 of the Florida Statutes.

IX. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

Recommended CS by Appropriations Subcommittee on Education on March 16, 2015:

The committee substitute:

- Modifies the charter school and district innovation school of technology class size requirement statutes to conform to the bill's language for traditional public schools.

- Removes the class size provision allowing for the reallocation of funds from noncompliant school districts to compliant school districts.
- Specifies that each noncompliant school district shall expend an amount of funds equal to the amount of the class size reduction calculation in the noncompliant schools to comply with the class size requirements as determined at the school average.
- Requires noncompliant school districts to post their compliance plan on the school district website and provide the plan to the school advisory committee of all noncompliant schools.

B. Amendments:

None.



448294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (16) of section
1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance
with the following statutes:



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11 1. Section 286.011, relating to public meetings and
12 records, public inspection, and criminal and civil penalties.

13 2. Chapter 119, relating to public records.

14 3. Section 1003.03, relating to the maximum class size,
15 ~~except that the calculation for compliance pursuant to s.~~
16 ~~1003.03 shall be the average at the school level.~~

17 4. Section 1012.22(1)(c), relating to compensation and
18 salary schedules.

19 5. Section 1012.33(5), relating to workforce reductions.

20 6. Section 1012.335, relating to contracts with
21 instructional personnel hired on or after July 1, 2011.

22 7. Section 1012.34, relating to the substantive
23 requirements for performance evaluations for instructional
24 personnel and school administrators.

25 Section 2. Paragraph (a) of subsection (5) of section
26 1002.451, Florida Statutes, is amended to read:

27 1002.451 District innovation school of technology program.-

28 (5) EXEMPTION FROM STATUTES.-

29 (a) An innovation school of technology is exempt from
30 chapters 1000-1013. However, an innovation school of technology
31 shall comply with the following provisions of those chapters:

32 1. Laws pertaining to the following:

33 a. Schools of technology, including this section.

34 b. Student assessment program and school grading system.

35 c. Services to students who have disabilities.

36 d. Civil rights, including s. 1000.05, relating to
37 discrimination.

38 e. Student health, safety, and welfare.

39 2. Laws governing the election and compensation of district



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40 school board members and election or appointment and
41 compensation of district school superintendents.

42 3. Section 1003.03, governing maximum class size, ~~except~~
43 ~~that the calculation for compliance pursuant to s. 1003.03 is~~
44 ~~the average at the school level.~~

45 4. Sections 1012.22(1)(c) and 1012.27(2), relating to
46 compensation and salary schedules.

47 5. Section 1012.33(5), relating to workforce reductions,
48 for annual contracts for instructional personnel. This
49 subparagraph does not apply to at-will employees.

50 6. Section 1012.335, relating to contracts with
51 instructional personnel hired on or after July 1, 2011, for
52 annual contracts for instructional personnel. This subparagraph
53 does not apply to at-will employees.

54 7. Section 1012.34, relating to requirements for
55 performance evaluations of instructional personnel and school
56 administrators.

57 Section 3. Subsection (4) of section 1003.03, Florida
58 Statutes, is amended to read:

59 1003.03 Maximum class size.—

60 (4) ACCOUNTABILITY.—

61 (a) If the department determines that the number of
62 students assigned to any individual class exceeds the class size
63 maximum, as required in subsection (1) and as determined at the
64 school average, based upon the October student membership
65 survey, the department shall:

66 1. ~~Identify, for each grade group, the number of classes in~~
67 ~~which the number of students exceeds the maximum and the total~~
68 ~~number of students which exceeds the maximum for all classes.~~



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69 ~~2.~~ Determine the number of FTE students which exceeds the
70 maximum for each grade group calculated at the school average.

71 ~~2.3.~~ Multiply the total number of FTE students which
72 exceeds the maximum for each grade group calculated at the
73 school average by the district's FTE dollar amount of the class
74 size categorical allocation for that year and calculate the
75 total for all three grade groups.

76 ~~3.4.~~ Multiply the total number of FTE students which
77 exceeds the maximum for all classes calculated at the school
78 average by an amount equal to 50 percent of the base student
79 allocation adjusted by the district cost differential for ~~each~~
80 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
81 ~~equal to the base student allocation adjusted by the district~~
82 ~~cost differential in~~ the 2014-2015 fiscal year and thereafter.

83 ~~4.5.~~ Reduce the district's class size categorical
84 allocation by an amount equal to the sum of the calculations in
85 subparagraphs 2. and 3. ~~and 4.~~

86 (b) The amount of funds reduced shall be the lesser of the
87 amount calculated in paragraph (a) or the undistributed balance
88 of the district's class size categorical allocation. The Florida
89 Education Finance Program Appropriation Allocation Conference
90 shall verify the department's calculation in paragraph (a). The
91 commissioner may withhold distribution of the class size
92 categorical allocation to the extent necessary to comply with
93 paragraph (a).

94 (c) In lieu of the reduction calculation in paragraph (a),
95 if the Commissioner of Education has evidence that a district
96 was unable to meet the class size requirements despite
97 appropriate efforts to do so or because of an extreme emergency,



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98 the commissioner may recommend by February 15, subject to
99 approval of the Legislative Budget Commission, the reduction of
100 an alternate amount of funds from the district's class size
101 categorical allocation.

102 (d) Upon approval of the reduction calculation in
103 paragraphs (a)-(c), each district shall expend an amount of
104 funds equal to the amount of the reduction calculation in the
105 noncompliant schools to comply with the requirements in
106 subsection (1) as determined at the school average ~~the~~
107 ~~commissioner must prepare a reallocation of the funds made~~
108 ~~available for the districts that have fully met the class size~~
109 ~~requirements. The funds shall be reallocated by calculating an~~
110 ~~amount of up to 5 percent of the base student allocation~~
111 ~~multiplied by the total district FTE students. The reallocation~~
112 ~~total may not exceed 25 percent of the total funds reduced.~~

113 (e) Each district that has not complied with the
114 requirements in subsection (1) as determined at the school
115 average shall submit to the commissioner by February 1 a plan
116 certified by the district school board that describes the
117 specific actions that the district will take in order to fully
118 comply with the requirements in subsection (1) by October of the
119 following school year. The plan shall be posted on the district
120 website and provided to the school advisory committee of all
121 noncompliant schools. A noncompliant school may post the plan on
122 its website ~~If a district submits the certified plan by the~~
123 ~~required deadline, the funds remaining after the reallocation~~
124 ~~calculation in paragraph (d) shall be added back to the~~
125 ~~district's class size categorical allocation based on each~~
126 ~~qualifying district's proportion of the total reduction for all~~



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127 ~~qualifying districts for which a reduction was calculated in~~
128 ~~paragraphs (a) - (c). However, no district shall have an amount~~
129 ~~added back that is greater than the amount that was reduced.~~

130 ~~(f) The department shall adjust school district class size~~
131 ~~reduction categorical allocation distributions based on the~~
132 ~~calculations in paragraphs (a) - (e).~~

133 Section 4. This act shall take effect July 1, 2015.

134

135 ===== T I T L E A M E N D M E N T =====

136 And the title is amended as follows:

137 Delete everything before the enacting clause

138 and insert:

139 A bill to be entitled

140 An act relating to maximum class size; amending s.

141 1002.33, F.S.; revising requirements for charter

142 school compliance with maximum class size

143 requirements; amending s. 1002.451, F.S.; revising

144 requirements for district innovation school of

145 technology compliance with maximum class size

146 requirements; amending s. 1003.03, F.S.; calculating a

147 school district's class size categorical allocation

148 reduction at the school average when maximum class

149 size requirements are not met; revising the

150 calculation; providing for the expenditure of funds;

151 requiring a school district that exceeds class size

152 maximums to post its plan for compliance on the

153 district website and provide the plan to the school

154 advisory committee of each noncompliant school;

155 authorizing a noncompliant school to post the plan on



448294

156

its website; providing an effective date.

By Senator Garcia

38-01301-15

2015818__

1 A bill to be entitled
 2 An act relating to maximum class size; amending s.
 3 1003.03, F.S.; requiring the calculation of a school
 4 district's class size categorical allocation reduction
 5 at the school average when maximum class size
 6 requirements are not met; revising the calculation;
 7 providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (a) of subsection (4) of section
 12 1003.03, Florida Statutes, is amended to read:
 13 1003.03 Maximum class size.—
 14 (4) ACCOUNTABILITY.—
 15 (a) If the department determines that the number of
 16 students assigned to an any individual class exceeds the class
 17 size maximum, as required in subsection (1), based upon the
 18 October student membership survey, the department shall:
 19 1. ~~Identify, for each grade group, the number of classes in~~
 20 ~~which the number of students exceeds the maximum and the total~~
 21 ~~number of students which exceeds the maximum for all classes.~~
 22 ~~2.~~ Determine the number of FTE students which exceeds the
 23 maximum for each grade group calculated at the school average.
 24 ~~2.3.~~ Multiply the total number of FTE students which
 25 exceeds the maximum for each grade group calculated at the
 26 school average by the district's FTE dollar amount of the class
 27 size categorical allocation for that year and calculate the
 28 total for all three grade groups.
 29 ~~3.4.~~ Multiply the total number of FTE students which

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

38-01301-15

2015818__

30 exceeds the maximum for all classes calculated at the school
 31 average by an amount equal to 50 percent of the base student
 32 allocation adjusted by the district cost differential for ~~each~~
 33 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~
 34 ~~equal to the base student allocation adjusted by the district~~
 35 ~~cost differential in the 2015-2016 2014-2015 fiscal year and~~
 36 ~~thereafter.~~
 37 ~~4.5.~~ Reduce the district's class size categorical
 38 allocation by an amount equal to the sum of the calculations in
 39 subparagraphs 2. and 3. ~~and 4.~~
 40 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

SA

The Florida Senate
State Senator René García
38th District

Please reply to:

District Office:

1490 West 68 Street
Suite # 201
Hialeah, FL 33014
Phone# (305) 364-3100

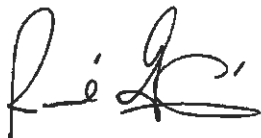
March 9, 2015

The Honorable Senator Don Gaetz
Chair, Subcommittee on Education Appropriations
201 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Gaetz:

This letter should serve as a request to have my bill *SB 818: Maximum Class Size* heard at the next possible committee meeting. If there is any other information needed please do not hesitate to contact me. Thank you.

Sincerely,



State Senator René García
District 38
RG:JT

CC: Tim Elwell, Staff Director

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

3-16-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

818

Meeting Date

Bill Number (if applicable)

Topic Maximum Class Size

Amendment Barcode (if applicable)

Name Wendy Dodge

Job Title Dir - Govt Affairs

Address PO Box 391

Phone 863-838-3632

Street

BARTOW FL 33831

Email wendy.dodge@polk-fl.net

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing POLK County Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10/15
Meeting Date

SB 818
Bill Number (if applicable)

Topic max. class size

Amendment Barcode (if applicable)

Name NIKKI FRIED

Job Title Attorney

Address 3980 W Broward Blvd

Phone 954-734-3799

Plantation FL 33312
City State Zip

Email nfried@coadyfall.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward School Board

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15
Meeting Date

818
Bill Number (if applicable)

as amended
Amendment Barcode (if applicable)

Topic Class Size

Name Joy Frank

Job Title Genral Counsl

Address 208 S. Monroe St
Street

Phone 850-507-5784

Yallahessen FL 32301
City State Zip

Email JFRANK@FADSS.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing A Assoc. of District School Superintendts

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

3/16/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

83818

Bill Number (if applicable)

Topic Class Size Penalty

Amendment Barcode (if applicable)

Name Iranda Mendez Cartaya

Job Title Assoc. Superintendent

Address 1450 NE 2nd Ave PM 931

Phone (3) 995-1497

Miami FL 33132

City State Zip

Email imendez@dadeschools.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miami Dade County Public School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(W)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

818

Bill Number (if applicable)

Topic CLASS SIZE

Amendment Barcode (if applicable)

Name TOM CERNA

Job Title CONSULTANT / EX. DIRECTOR

Address 9737 NW 41 ST #359

Phone 305-513-9995

Street

City

MIAMI

FL

State

33178

Zip

Email tcerna@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing GREATER FL. CONSORTIUM OF SCHOOL BOARDS
MONROE; MIAMI-DADE; BROWARD; PALM BCH; ST LUCIE; MARTIN;
INDIAN RIVER; COLLIER; LEE; CHARLOTTE; SARASOTA; PINELLAS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

W

March 16th, 2015
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 818
Bill Number (if applicable)

Topic Maximum Class Size

Amendment Barcode (if applicable)

Name Alexandra Sarmiento-Walden

Job Title President, Miami Beach Sr. High School PTST

Address 492 Northeast 35th Street

Phone (305) 401-5129

Miami, Fla 33137
City State Zip

Email Waldenunght@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miami Beach Sr. High PTST

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(W)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 818

Bill Number (if applicable)

Topic Maximum Class Size SB 818

Amendment Barcode (if applicable)

Name Kayla Rynor

Job Title Parent

Address 5385 N. Bay Rd.

Phone (305) 469-7364

Street

Miami Beach, FL 33140

Email KRYNOR2563@GMAIL.COM

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miami Beach Senior High PTSA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

W

3/16/15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 818

Meeting Date

Bill Number (if applicable)

Topic Class size

Amendment Barcode (if applicable)

Name John Sullivan

Job Title Legislative Liaison

Address 8331 SW 107 Ave Unit B

Phone 305-338-2916

Street

Miami

FL

33173

City

State

Zip

Email John@floridaeducationpolicy

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Duval County Public School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15
Meeting Date

W
818
Bill Number (if applicable)

Topic Max CLASS SIZE

Amendment Barcode (if applicable)

Name Jessica Scher

Job Title Director, Public Policy

Address 3250 SW 3rd Ave

Phone 305-322-6143

Miami FL 33129

City State Zip

Email scherj@unitedwaymiami.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing United Way of MIAMI-DADE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD



(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

March 16, 2015

Meeting Date

SB 818

Bill Number (if applicable)

Topic Maximum Class Size

Amendment Barcode (if applicable)

Name Bob Nave

Job Title Vice President of Research - Florida TaxWatch

Address 106 N. Bronough Street

Phone 850.222.5052

Street

Tallahassee

FL

32301

Email bnave@floridataxwatch.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida TaxWatch

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

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 Appropriations Subcommittee on Education

BILL: PCS/CS/SB 688 (490678)

INTRODUCER: Appropriations Subcommittee on Education; Education Pre-K - 12 Committee; and Senator Montford

SUBJECT: Opening and Closing of Public Schools

DATE: March 17, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bailey</u>	<u>Klebacha</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 688 allows schools to open up to seven days earlier than current law allows. The bill requires district school boards begin the school year no earlier than the third Monday in August each year. The bill allows academically high performing districts whose calendar for the 2015-2016 school year was approved by the district school board before May 1, 2015, to waive compliance for the 2015-2016 school year.

The bill has no fiscal impact.

This bill takes effect on July 1, 2015.

II. Present Situation:

Beginning with the 2007-2008 academic school year, schools governed by a district school board may not have an opening date earlier than 14 days before Labor Day each year,¹ with the exception of academically high performing school districts.² Postsecondary institutions also rely on standard school start dates for eligible students in accelerated programs.³

¹ Section 1001.42(4)(f), F.S., as amended by s. 11 of ch. 2006-74, L.O.F.

² See s. 1003.621(1)(b) and (2)(a) – (k), F.S.

³ Prior to the beginning of each fiscal year, by administrative rule, the board of trustees for community colleges and universities must adopt an annual calendar for use by all postsecondary institutions operated by their respective boards.

Current Starting Dates

For the 2014-2015 school year, 62 of the state's 75 school district calendars began the traditional school year on August 18, 2014, which is 14 days before Labor Day.⁴

School districts are required to file an official copy of the annual calendar adopted by each school board with the DOE.⁵

Academically High Performing School Districts

School districts designated by the State Board of Education as academically high-performing school districts may choose to waive compliance with a large number of statutory requirements, including prescribed school calendar dates.⁶

Academically high-performing school districts retain the designation for three years and then may renew it if the district continues to meet the requirements.⁷ To be designated as an academically high-performing school district, a school district must meet the following requirements:

- Earn a grade of "A" for two consecutive years and have no district-operated school that earned a grade of "F."
- Comply with the class size requirements.
- Have no material weaknesses or instances of material noncompliance noted in the school district's annual financial audit.⁸

During the 2014-2015 school year, academically high-performing districts, Citrus, Nassau, Seminole, and Sumter counties, elected to waive the school start date requirement and started school between August 6th and August 11th.⁹

III. Effect of Proposed Changes:

The bill requires district school boards begin the school year no earlier than the third Monday in August each year; in effect, up to seven days earlier than current law allows. The bill allows academically high performing districts whose calendar for the 2015-2016 school year was

Unless an exception is granted by the Department of Education, three common entry periods are established so that the first day of classes will fall within each of the three periods, the first 3 weekdays after August 22, the first 3 weekdays after January 4, and the first 3 weekdays after May 5. Rule 6A-10.019, F.A.C.

⁴ Florida Department of Education, *2014-2015 School District Calendars*, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/index.stml> (last visited March 2, 2015).

⁵ Rule 6A-10.019(3), F.A.C.

⁶ See s. 1003.621(1)(b) and (2)(a) – (k), F.S.

⁷ Section 1003.621(1)(c), F.S.

⁸ Section 1003.621(1)(a), F.S.

⁹ The school districts that meet the eligibility criteria as academically high-performing school districts are: Citrus, Gilchrest, Martin, Nassau, Okaloosa, St. Johns, Santa Rosa, Sarasota, Seminole, Sumter, and Wakulla counties. Four elected, in the 2014-2015 school year, to choose an earlier start date than the 14 day uniform date. Florida Department of Education, *2014-2015 School District Calendars*, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/index.stml> (last visited March 6, 2015).

approved by the district school board before May 1, 2015, to waive compliance for the 2015-2016 school year.

The effective date of the bill is July 1, 2015.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42 and 1003.621.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Education on March 16, 2015:

The committee substitute amends the opening date for public school districts to no earlier than the third Monday in August.

CS by Education Pre-K – 12 on March 4, 2015:

The committee substitute authorizes, with school board approval before May 1, 2015, a one-year exemption before academically high performing school districts must comply with the start date requirements of the bill.

- B. **Amendments:**

None.



537078

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Education (Montford) recommended the following:

Senate Amendment

Delete lines 23 - 27
and insert:

(f) *Opening and closing of schools; fixing uniform date.*—
Adopt policies for the opening and closing of schools and fix
uniform dates; however, beginning with the 2015-2016 ~~2007-2008~~
school year and each school year thereafter, the opening date
for schools in the district may not be earlier than the third
Monday in August ~~14 days before Labor Day each year.~~

By the Committee on Education Pre-K - 12; and Senator Montford

581-01942-15

2015688c1

A bill to be entitled

An act relating to the opening and closing of public schools; amending s. 1001.42, F.S.; revising a requirement for the uniform opening date of public schools; amending s. 1003.621, F.S.; providing that academically high-performing school districts must comply with provisions relating to the uniform opening date of public schools; providing an exception for certain school districts for a certain timeframe; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (f) of subsection (4) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.— Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(f) *Opening and closing of schools; fixing uniform date.*— Adopt policies for the opening and closing of schools and fix uniform dates; however, beginning with the 2015-2016 ~~2007-2008~~ school year, the opening date for schools in the district may not be earlier than 21 ~~14~~ days before Labor Day each year.

Section 2. Present paragraph (k) of subsection (2) of section 1003.621, Florida Statutes, is redesignated as paragraph

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-01942-15

2015688c1

(l), and a new paragraph (k) is added to that subsection, to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(k) Section 1001.42(4)(f), relating to the uniform opening date for public schools. However, an academically high-performing school district whose calendar for the 2015-2016 school year was approved by the district school board before May 1, 2015, may waive compliance with s. 1001.42(4)(f) for the 2015-2016 school year.

Section 3. This act shall take effect July 1, 2015.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

W

3/16/15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 688
Bill Number (if applicable)

Topic SCHOOL YEAR CALENDAR / START DATE Amendment Barcode (if applicable)

Name BILL GRAHAM

Job Title INTERIM EXEC. DIRECTOR FLA. SCHOOL BODS. ASSOC

Address 203 So. Monroe St. Phone 850-414-2578

Tallahassee FL 32301

Email graham@fsba.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLA. SCHOOL BOARDS ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(W)

3-16-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

688

Meeting Date

Bill Number (if applicable)

537078

Amendment Barcode (if applicable)

Topic Opening and Closing of Schools

Name Melanie Becker

Job Title Director of Govt Affairs

Address 1000 Universal Studios
Street

Phone 407-310-2561

Olando FL 32819
City State Zip

Email melanie.becker@universal.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Universal Studios

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(w)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

688

Bill Number (if applicable)

537078

Amendment Barcode (if applicable)

Topic Opening and Closing of Schools

Name Jennifer Green

Job Title President

Address P.O. Box 390

Phone (850)528-8809

Street

Tallahassee

City

FL

State

32327

Zip

Email jennifer@libertypartnersfl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Attractions Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(W)

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

Topic School Start Date

Bill Number 688
(if applicable)

Name CAROL B. DOVER

Amendment Barcode 537078
(if applicable)

Job Title PRESIDENT & CEO

Address 230 S. ADAMS

Phone 850 224-2250

Street

Tallahassee FL

E-mail CDOVER@FRLA.ORG

City

State

Zip

Speaking: For Against Information

Representing FLORIDA RESTAURANT & LODGING ASSN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

W

3/15/15
Meeting Date

Bill 688
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Sandy Roth

Job Title Volunteer

Address 20802 Sonnet Dr

Phone 561 218-3332

Boca Raton FL 3343

City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Palm Beach County PTA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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CourtSmart Tag Report

Room: KN 412
Caption: Senate Appropriations Subcommittee on Education

Type:
Judge:

Started: 3/16/2015 4:02:06 PM
Ends: 3/16/2015 5:37:54 PM Length: 01:35:49

4:02:08 PM	Call to Order and Roll Call
4:02:39 PM	Chair comments
4:03:43 PM	Pam Stewart, Commissioner of Education
4:12:42 PM	Chair Gaetz
4:12:52 PM	Senator Ring Questions
4:13:28 PM	Pam Stewart, Commissioner
4:14:03 PM	Pam Stewart, Commissioner
4:14:03 PM	Senator Ring
4:14:39 PM	Pam Stewart, Commissioner
4:15:26 PM	Senator Ring
4:16:05 PM	Pam Stewart, Commissioner
4:16:26 PM	Senator Ring
4:16:46 PM	Senator Legg Question
4:17:32 PM	Commissioner Stewart
4:17:48 PM	Senator Legg
4:19:27 PM	Pam Stewart, Commissioner
4:19:52 PM	Senator Legg
4:20:14 PM	Pam Stewart, Commissioner
4:21:12 PM	Senator Gaetz
4:21:18 PM	Senator Montford
4:22:06 PM	Pam Stewart, Commissioner
4:22:17 PM	Senator Montford
4:22:31 PM	Pam Stewart, Commissioner
4:22:39 PM	Senator Montford
4:22:47 PM	Pam Stewart, Commissioner
4:22:56 PM	Senator Montford
4:23:16 PM	Pam Stewart, Commissioner
4:23:28 PM	Senator Montford
4:23:36 PM	Pam Stewart, Commissioner
4:23:49 PM	Senator Montford
4:24:06 PM	Pam Stewart, Commissioner
4:24:27 PM	Senator Montford
4:24:33 PM	Pam Stewart, Commissioner
4:24:41 PM	Senator Montford
4:24:56 PM	Pam Stewart, Commissioner
4:25:03 PM	Senator Montford
4:25:27 PM	Pam Stewart, Commissioner
4:25:48 PM	Senator Ring
4:26:03 PM	Pam Stewart, Commissioner
4:26:22 PM	Senator Ring
4:29:06 PM	Pam Stewart, Commissioner
4:29:29 PM	Senator Ring
4:29:44 PM	Senator Legg
4:31:39 PM	Senator Gaetz
4:35:33 PM	Pam Stewart, Commissioner
4:37:14 PM	Senator Gaetz
4:37:40 PM	Pam Stewart, Commissioner
4:37:52 PM	Senator Gaetz
4:37:56 PM	Pam Stewart, Commissioner
4:38:13 PM	Senator Gaetz
4:38:56 PM	Pam Stewart, Commissioner
4:39:50 PM	Senator Gaetz

4:41:38 PM Senator Ring
4:42:46 PM Senator Gaetz
4:43:04 PM Senator Stargel
4:43:23 PM Senator Gaetz
4:43:30 PM Senator Bullard
4:44:53 PM Senator Montford
4:47:28 PM Senator Gaetz
4:47:32 PM Pam Stewart, Commissioner
4:47:41 PM Senator Gaetz
4:47:55 PM Pam Stewart, Commissioner
4:48:32 PM Senator Gaetz
4:48:36 PM Senator Ring
4:51:07 PM Senator Gaetz
4:51:29 PM Senator Ring
4:51:40 PM Senator Gaetz
4:52:25 PM S 154
4:52:42 PM Nanci Cornwell, Legislative Assistant
4:54:10 PM Senator Gaetz
4:54:23 PM Senator Montford
4:54:35 PM Nanci Cornwell, Legislative Assistant
4:54:54 PM Senator Gaetz
4:55:16 PM Senator Montford
4:55:36 PM Senator Gaetz
4:55:40 PM Senator Bullard
4:56:00 PM Nanci Cornwell, Legislative Assistant
4:56:25 PM Senator Bullard
4:56:56 PM Senator Gaetz
4:57:04 PM Nanci Cornwell, Legislative Assistant
4:57:51 PM Senator Gaetz
4:57:59 PM Wendy Dodge, Director of Government Affairs, Polk County Schools (waives in support)
4:58:05 PM Bill Graham, Executive Director, Florida School Board Association
5:00:47 PM Senator Gaetz
5:01:20 PM Bill Graham, Executive Director, Florida School Board Association
5:01:26 PM Senator Gaetz
5:01:31 PM Bill Graham, Executive Director, Florida School Board Association
5:01:40 PM Senator Gaetz
5:02:07 PM Laura Youmans, Advocate, Florida Association of Counties
5:03:41 PM Senator Gaetz
5:04:35 PM Laura Youmans, Advocate, Florida Association of Counties
5:05:40 PM Sandy Roth, Volunteer, Florida Parent Teacher Association
5:05:56 PM Jim Brainerd, Polk County
5:07:50 PM Senator Stargel
5:08:24 PM Senator Montford
5:08:39 PM Senator Gaetz
5:09:12 PM S 688
5:09:23 PM Senator Montford
5:10:50 PM Senator Gaetz
5:10:55 PM Amendment 537078
5:11:06 PM Senator Montford
5:11:19 PM Senator Gaetz
5:11:34 PM S 688 (cont.)
5:11:46 PM Bill Graham, Interim Executive Director, Florida School Board Associations (waives in support)
5:11:54 PM Melanie Becker, Director of Government Affair, Universal Studio (waives in support)
5:11:59 PM Jennifer Greene, President, Florida Attractions Association (waives in support)
5:12:04 PM Carol B. Dover, President and CEO, Florida Restaurant and Lodging Association
5:12:10 PM Sandy Roth, Volunteer, Palm Beach County PTA (waives in support)
5:12:25 PM Senator Gaetz
5:12:47 PM S 818
5:13:07 PM AJ D'Amico, Legislative Assistant
5:13:20 PM Senator Gaetz
5:13:23 PM Amendment 448294
5:13:30 PM Senator Montford

5:13:34 PM AJ D'Amico, Legislative Assistant
5:13:36 PM Senator Gaetz
5:13:44 PM S 818 (cont.)
5:13:58 PM Wendy Dodge, Director of Governmental Affairs, Polk County Schools (waives in support)
5:14:00 PM Nikki Fried, Attorney, Broward School Board (waives in support)
5:14:03 PM Joey Frank, General Counsel, Florida Association of District School Superintendents (waives in support)
5:14:04 PM Iraida Mendezcartaya, Associate Superintendent, Miami Dad County Public School (waives in support)
5:14:14 PM Tom Cerra, Consultant/Executive Director, Greater Florida Consortium of School Boards (waives in support)
5:14:19 PM Alexandra Sarmelento-Walden, President, Miami Beach Sr. High Schools PTSA (waives against)
5:14:35 PM Kayla Rynor, Parent, Miami Beach Senior High PTSA
5:16:48 PM Senator Gaetz
5:16:56 PM Bob Nave, Vice President of Research, Florida TaxWatch
5:17:01 PM John Sullivan, Legislative Liaison, Duval County Public Schools
5:17:04 PM Jessica Scher, Director of Public Policy, United Way of Miami-Dade
5:17:20 PM Senator Gaetz
5:17:23 PM Senator Stargel
5:18:57 PM Senator Gaetz
5:19:02 PM Senator Simmons
5:19:20 PM Senator Gaetz
5:19:33 PM AJ D'Amico, Legislative Assistant
5:20:13 PM Senator Gaetz
5:20:59 PM TAB 4B - A Presentation by OPPAGA on the 2013-2014 Extra Hour Initiative
5:22:16 PM Senator Simmons
5:23:03 PM Senator Gaetz
5:23:18 PM Mark West, Staff Director, OPPAGA
5:28:28 PM Senator Gaetz
5:28:30 PM Senator Legg
5:28:45 PM Mark West, Staff Director, OPPAGA
5:29:13 PM Senator Legg
5:29:25 PM Senator Gaetz
5:29:45 PM Mark West, Staff Director, OPPAGA
5:30:01 PM Senator Gaetz
5:30:26 PM Mark West, Staff Director, OPPAGA
5:31:09 PM Senator Gaetz
5:31:31 PM Senator Simmons
5:33:43 PM Senator Gaetz
5:34:15 PM Senator Simmons
5:36:07 PM Senator Gaetz
5:37:34 PM Meeting Adjourned



Gary Chartrand, *Chair*
John R. Padget, *Vice Chair*
Members
John A. Colón
Marva Johnson
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

March 12, 2015

The Honorable Don Gaetz
The Florida Senate
420 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear President Gaetz:

Thank you for your letter of February 26, 2015. I hope this information provides you with a snapshot of where districts are in meeting their technology requirements for assessment, accountability, and digital classrooms, as well as a summary of the support and guidance that has been provided by the state. I have repeated your questions in italics below with my response beneath each question.

1. Please identify statewide technical standards or guidance that the Department of Education has provided to districts and schools to support the delivery of the online test assessments and digital classroom requirements as directed by statute.

Florida has been working diligently to improve digital learning in education. Historically, districts have used federal, state, and local funds to improve access to technology for students and teachers. The department supports districts with their implementation of technology and digital learning by publishing recommended technology specifications and guidance for implementation, providing planning tools for online assessments, and training on digital instruction. Specifically, the department has published recommended specifications for wireless, bandwidth, and devices for over a decade. In 2003, the department began surveying districts through the Technology Resources Inventory (TRI). Since 2010-11, districts have certified their readiness for computer-based assessments to the department. In summer 2015, regional trainings will be conducted on improving digital instruction. Additional information regarding the department's educational technology efforts can be found at <http://www.fldoe.org/about-us/division-of-technology-info-services/bureau-of-edu-tech.stml>.

The most recent recommendations are linked below.

- Wireless Technology Guidelines:
<http://www.fldoe.org/core/fileparse.php/5658/urlt/0097848-wireless-tech-specs.pdf>

- Device and Bandwidth Guidelines:
<http://www.fldoe.org/core/fileparse.php/5658/urlt/0097849-device-bandwidthtechspecs.pdf>

In August of 2014, as required in s. 1011.62, F.S., the department created a five-year state Digital Classrooms Plan (DCP), which integrates digital learning into the mission and goals of the agency. The plan continues to assist districts by providing technology requirements that districts should strive toward meeting through the planning and implementation of the district DCP. Governor Scott recommended and the legislature approved a \$40 million appropriation in the 2014-15 budget. The department was required to provide districts a DCP template to be completed prior to distribution of their portion of the allocation. In the DCP template, each district was required to establish baseline and target measurements for the integration of technology using the Technology Integration Matrix (TIM), which is the tool used to measure the integration of technology with teaching and learning in the classroom. The DCP planning process encouraged districts to use this department guidance to establish their individual goals for implementing digital learning.

The five-year state DCP and the district DCP template were posted August 15, 2014. As required, the five-year state DCP is posted at <http://www.fldoe.org/core/fileparse.php/5658/urlt/0097843-fdoedigitalclassroomsplan.doc>. Districts submitted their school board-approved DCP to the department for approval before receiving funding. All approved digital classrooms plans are posted at <http://www.fldoe.org/about-us/division-of-technology-info-services/dcp.stml>.

a. Standards to identify security requirements necessary to ensure Family Educational Rights and Privacy Act (FERPA) compliance to protect the privacy of student education records.

Florida continues to maintain compliance with FERPA to protect the privacy of student education records. As a result of the executive order released by Governor Rick Scott (September 23, 2013), the department conducted a student data privacy review. The recommendations can be found at <http://www.fldoe.org/core/fileparse.php/5390/urlt/0081020-datasecurityreport.pdf>.

b. Standards to identify the device quantity, device types, and device attributes necessary to support reliable access by Florida students and teachers to electronic resources. Examples of device types include: desktops, laptops, tablets, and netbooks. Device attributes include, but are not limited to, the central processing unit (CPU) requirements, monitor size and resolution, browser, networking, and storage requirements.

The department has provided districts with recommendations on student device specifications and districts have full flexibility in choosing which devices to purchase.

Device Quantity –

In the DCP, each district is required to establish a baseline and set their own target device ratio for students based on their instructional goals. Student devices are recommended to be multifunctional and meet the standard to be used for the Florida Standards Assessments and Next Generation Sunshine State Standards end-of-course assessments. Additionally, the specific instructional needs of the student and level of digital learning implementation in the classroom are things that districts should take into consideration. Examples of this include Florida Standards requirements, grade- and course-appropriate access for technology skills, and appropriate access to digital content and instructional materials. Department specifications are set such that a single device could meet all educational needs to avoid the duplicative costs of utilizing multiple devices to meet instructional and assessment requirements.

Device Types and Attributes –

In the five-year state DCP, districts and schools are provided recommended specifications for devices. The types of devices that could meet specifications include desktops, laptops (including netbooks and ultrabooks), web-thin client computers (including chromebooks), and large screen tablets (9.5” screen size or larger). These types of devices are recommended because they could meet the needs of digital learning in the classroom as well as the requirements for statewide computer-based assessments.

Specifications cover all types of devices and include specifications for device operating system, memory, connectivity, security, and screen size and resolution. These can be found at <http://www.fldoe.org/core/fileparse.php/5658/urlt/0097849-device-bandwidthtechspecs.pdf>.

c. Standards to include the connectivity requirements, internal and external, to support peak anticipated use that will ensure network performance and ensure reliable access to electronic resources.

In the five-year state DCP, districts and schools are provided recommended specifications for school bandwidth and classroom wireless access. In the district DCP, each district is required to establish a target goal for the improvement of bandwidth and wireless access. The most recent department-recommended bandwidth specifications are based on the State Educational Technology Directors Association May 2012 publication *The Broadband Imperative: Recommendations to Address K-12 Education Infrastructure Needs* (<http://www.setda.org/web/guest/broadbandimperative>).

Recommended Bandwidth Specifications	
External Connection to Internet	100 kilobytes per second (kbps) per student or faster
Internal School Network	1,000 kbps per student or faster

Recommended Wireless Technology Specifications	
Institute of Electrical and Electronics Engineers (IEEE) Protocol Equipment Standard	802.11n (540 mbps bandwidth)
Wireless Access Hardware	Ratio of 10-15 students or less per one access point/antenna in a classroom setting
	No structural walls or physical barriers between the access point and the students
	Wireless controller technology to enable access point load-balancing for optimum wireless access point utilization

2. Please provide an inventory, by school and district, of the current statewide technology resources.

The department conducts the TRI twice per year with schools and districts. This is used as a measurement tool for school technology inventory and is aligned with the baseline and target goals established for each district in their DCP. The fall 2014 TRI is posted at <http://www.fldoe.org/core/fileparse.php/7482/urlt/Fall2014TRIData.xls>. A school-by-school inventory used for this analysis can be found at <http://www.fldoe.org/core/fileparse.php/7482/urlt/2014FallGapAnalysisSchoolTechnology.xls> and includes the following information:

- District name
- School name
- School membership counts
- Number of classrooms
- Count of student devices that meet specifications, including desktops, mobile laptops, web-thin clients, and tablets
- Student to device ratio (based on student membership)
- Number and percent of classrooms with wireless connection meeting industry standard or greater
- Allotted speed of internet bandwidth available to the school and count of schools meeting the 100 kbps per student standard

3. Please compare the inventory to the statewide technical standards and identify any gaps discovered by school and by district.

Through the district DCP process, each district was required to complete a DCP template. Section 2 of the DCP template was the strategy section that required a district needs analysis, goals for each area of the DCP, and a theory of action. The goals established in this section identify the strategy each district has chosen to implement using the DCP allocation. This includes district goals for student to device ratio, percent of schools meeting the bandwidth standard, and the percent of classrooms meeting the wireless standard. Using this data, the department has analyzed the current situation reported on the TRI and the goals established by the district DCP. This resulted in a calculated gap that each district is working to close. Attached is district-specific information including these three main data points:

- Count of student devices compared to DCP ratio
- Percent of classrooms meeting wireless standard
- Schools meeting bandwidth standard

4. Please provide a cost and time estimate to address the gaps and transition the current technical environment into compliance with the statewide technical standards.

Using the district DCP goals and the gap estimate outlined in question 3, the department has completed an analysis of a cost and time estimate for devices, wireless, and bandwidth. This analysis does not include other key components for digital learning implementation such as professional development, digital tools, and digital content. Depending on district goals, these components may be included in the district DCP. The department will evaluate the implementation of these other components through the use of the TIM.

Wireless cost estimates used in this analysis are based on industry standards. The estimate for wireless access is \$1,100 per classroom. This does not include other potential costs such as installation and wiring. Bandwidth cost estimates are based on a recent survey of school district actual costs for bandwidth, which calculates to \$0.1805 kbps. This does not include federal E-rate funds available to districts or other potential costs such as routers, firewalls, and related software. These other potential costs will vary depending on district conditions.

The cost estimate of \$400 per device used in this analysis is based on the department's review of typical device vendors. The department completed a study of four device types at various attribute levels to identify an average price for a device. In addition, we know that the State of Maine reduced their costs per device by approximately one-third by negotiating a statewide multi-year contract. This average price estimate is based on a sample of devices that meet specifications and, depending on district choice of device type and attributes, the average price per device would change.


Senator Gaetz
March 12, 2015
Page 6

Districts have been developing local plans to fund technology initiatives since at least 2006-07, when technology was rolled into the Florida Education Finance Program base. For example, districts currently report 1.1 million student devices in use that meet specifications and were purchased prior to the 2014-15 \$40 million allocation. This number establishes the baseline used to calculate the gap of 733,092 more devices needed to meet district DCP goals as shown in the attachment.

The cost estimate for these gaps can be found in the attached district-specific information for the components of devices, wireless, and bandwidth. This analysis is based on the information we have collected from districts and their current goals. Using the above cost estimates, the total amount needed over ten years is approximately \$323,888,347, with most districts planning to achieve their goals in the next four years. Using the timelines each district has provided, the amount needed to fund the first year is \$105,482,033. The Governor's budget recommendations make a significant contribution of dedicated funding toward districts' goals.

We trust this information will be helpful.

Sincerely,



Pam Stewart

Attachment

cc: Chairman John Legg
Chairman Jeremy Ring

FDOE District Technology Gap Analysis

March 2015

Student Devices Meeting Device Specifications (FDOE Device Specifications can be found at fldoe.org)

District	Student Device Gap (Total)	District DCP Goal Ratio	District DCP Goal Date	Student Device Cost (Total @ \$400/device*)	Student Device Cost (1 year @ \$400/device*)	
01	Alachua	27,344	1:1	2019	\$ 10,937,600	\$ 2,734,400
02	Baker	4,890	1:1	2019	\$ 1,956,000	\$ 489,000
03	Bay	-	2:1	2017	\$ -	\$ -
04	Bradford	1,805	1:1	2019	\$ 722,000	\$ 180,500
05	Brevard	5,998	2:1	2017	\$ 2,399,200	\$ 1,199,600
06	Broward	16,275	1:1	2018	\$ 6,510,000	\$ 2,170,000
07	Calhoun	471	1:1	2017	\$ 188,400	\$ 94,200
08	Charlotte	3,732	2:1	2017	\$ 1,492,800	\$ 746,400
09	Citrus	847	2:1	2015	\$ 338,800	\$ 338,800
10	Clay	2,222	2:1	2015	\$ 888,800	\$ 888,800
11	Collier	-	2:1	2016	\$ -	\$ -
12	Columbia	3,864	2:1	2018	\$ 1,545,600	\$ 515,200
13	Dade	92,957	1:1	2019	\$ 37,182,800	\$ 9,295,700
14	Desoto	-	1:1	2019	\$ -	\$ -
15	Dixie	290	1:1	2019	\$ 116,000	\$ 29,000
16	Duval	46,460	2:1	2017	\$ 18,584,000	\$ 9,292,000
17	Escambia	-	3:1	2019	\$ -	\$ -
18	Flagler	-	1:1	2015	\$ -	\$ -
19	Franklin	948	1:1	2016	\$ 379,200	\$ 379,200
20	Gadsden	1,698	1:1	2019	\$ 679,200	\$ 169,800
21	Gilchrist	1,755	1:1	2017	\$ 702,000	\$ 351,000
22	Glades	765	1:1	2020	\$ 306,000	\$ 61,200
23	Gulf	514	2:1	2018	\$ 205,600	\$ 68,533
24	Hamilton	-	1:1	2018	\$ -	\$ -
25	Hardee	1,110	1:1	2019	\$ 444,000	\$ 111,000
26	Hendry	3,578	1:1	2020	\$ 1,431,200	\$ 286,240
27	Hernando	6,822	2:1	2018	\$ 2,728,800	\$ 909,600
28	Highlands	3,443	2:1	2016	\$ 1,377,200	\$ 1,377,200
29	Hillsborough	193,991	1:1	2020	\$ 77,596,400	\$ 15,519,280
30	Holmes	165	1:1	2019	\$ 66,000	\$ 16,500
31	Indian River	6,171	1:1	2018	\$ 2,468,400	\$ 822,800
32	Jackson	5,429	1:1	2016	\$ 2,171,600	\$ 2,171,600
33	Jefferson	1,013	1:1	2015	\$ 405,200	\$ 405,200
34	Lafayette	589	1:1	2019	\$ 235,600	\$ 58,900
35	Lake	-	1:1	2014	\$ -	\$ -
36	Lee	10,397	1:1	2016	\$ 4,158,800	\$ 4,158,800
37	Leon	14,795	1:1	2020	\$ 5,918,000	\$ 1,183,600
38	Levy	-	1:1	2018	\$ -	\$ -
39	Liberty	77	1:1	2018	\$ 30,800	\$ 10,267
40	Madison	639	1:1	2019	\$ 255,600	\$ 63,900

March 12, 2015

* Cost estimates based on a mean of industry pricing

- Indicates district DCP data is unclear

FDOE District Technology Gap Analysis March 2015

Student Devices Meeting Device Specifications (FDOE Device Specifications can be found at fldoe.org)

District	Student Device Gap (Total)	District DCP Goal Ratio	District DCP Goal Date	Student Device Cost (Total @ \$400/device*)	Student Device Cost (1 year @ \$400/device*)	
41	Manatee	-	2:1	2015	\$ -	\$ -
42	Marion	2,334	2:1	2019	\$ 933,600	\$ 233,400
43	Martin	10,070	1:1	2019	\$ 4,028,000	\$ 1,007,000
44	Monroe	1,572	1:1	2019	\$ 628,800	\$ 157,200
45	Nassau	6,397	1:1	2022	\$ 2,558,800	\$ 365,543
46	Okaloosa	-	3:1	2017	\$ -	\$ -
47	Okeechobee	2,042	1:1	2019	\$ 816,800	\$ 204,200
48	Orange	11,385	-	-	\$ 4,554,000	\$ 4,554,000
49	Osceola	3,469	1:1	2020	\$ 1,387,600	\$ 277,520
50	Palm Beach	129,513	1:1	2020	\$ 51,805,200	\$ 10,361,040
51	Pasco	10,344	3:1	2019	\$ 4,137,600	\$ 1,034,400
52	Pinellas	11,255	2:1	2019	\$ 4,502,000	\$ 1,125,500
53	Polk	-	1:1	2017	\$ -	\$ -
54	Putnam	1,877	1:1	2019	\$ 750,800	\$ 187,700
55	St. Johns	-	2:1	2015	\$ -	\$ -
56	St. Lucie	420	2:1	2015	\$ 168,000	\$ 168,000
57	Santa Rosa	2,942	1:1	2018	\$ 1,176,800	\$ 392,267
58	Sarasota	7,550	1:1	2017	\$ 3,020,000	\$ 1,510,000
59	Seminole	31,109	2:1	2019	\$ 12,443,600	\$ 3,110,900
60	Sumter	1,701	1:1	2019	\$ 680,400	\$ 170,100
61	Suwannee	400	-	-	\$ 160,000	\$ 160,000
62	Taylor	1,180	1:1	2017	\$ 472,000	\$ 236,000
63	Union	888	1:1	2017	\$ 355,200	\$ 177,600
64	Volusia	29,501	2:1	2019	\$ 11,800,400	\$ 2,950,100
65	Wakulla	487	1:1	-	\$ 194,800	\$ 194,800
66	Walton	2,868	1:1	2018	\$ 1,147,200	\$ 382,400
67	Washington	2,734	1:1	2019	\$ 1,093,600	\$ 273,400
68	Washington Special					
69	FAMU Lab School	-	1:1	2015	\$ -	\$ 246,000
70	FAU Palm Beach	615	1:1	2017	\$ 246,000	\$ 126,000
71	FAU St. Lucie	315	1:1	2015	\$ 126,000	\$ 64,000
72	FSU Broward	160	1:1	2017	\$ 64,000	\$ 36,600
73	FSU Leon	183	1:1	2019	\$ 73,200	\$ 156,600
74	UF Lab School	1,566	1:1	2019	\$ 626,400	\$ 122,267
TOTAL		733,092			\$ 294,372,400	\$ 86,082,756

Total Combined Gap (Devices, Wireless, Bandwidth) \$ 323,888,347

Combined One-Year Gap (Devices, Wireless, Bandwidth) \$ 105,482,033

March 12, 2015

* Cost estimates based on a mean of industry pricing

- Indicates district DCP data is unclear

FDOE District Technology Gap Analysis March 2015

% of Classrooms Meeting Wireless (802.11n) Standard

District		% of Classrooms Gap (Total)	District DCP Goal Date	Total Number of Classrooms (Fall 2014 TRI)	Cost of Wireless (Total @ \$1,100/classroom*)	Cost of Wireless (1 year @ \$1,100/classroom*)
01	Alachua	1.32%	2016	1,747	\$ 25,300	\$ 25,300
02	Baker	0.00%	2017	313	\$ -	\$ -
03	Bay	0.31%	2015	1,730	\$ 6,600	\$ 6,600
04	Bradford	0.00%	2016	208	\$ -	\$ -
05	Brevard	18.86%	2017	4,522	\$ 938,300	\$ 469,150
06	Broward	20.77%	2018	17,393	\$ 3,973,200	\$ 1,324,400
07	Calhoun	0.21%	2018	142	\$ 1,100	\$ 367
08	Charlotte	2.71%	-	1,018	\$ 30,800	\$ 30,800
09	Citrus	0.00%	2014	1,050	\$ -	\$ -
10	Clay	6.81%	2015	2,445	\$ 183,700	\$ 183,700
11	Collier	0.08%	-	2,858	\$ 3,300	\$ 3,300
12	Columbia	0.20%	2014	658	\$ 2,200	\$ 2,200
13	Dade	5.72%	2015	21,797	\$ 1,371,700	\$ 1,371,700
14	Desoto	0.00%	2014	294	\$ -	\$ -
15	Dixie	0.00%	2017	93	\$ -	\$ -
16	Duval	12.28%	2017	2,316	\$ 313,500	\$ 156,750
17	Escambia	14.13%	2016	2,530	\$ 393,800	\$ 393,800
18	Flagler	6.93%	2015	799	\$ 61,600	\$ 61,600
19	Franklin	90.00%	2015	81	\$ -	\$ -
20	Gadsden	2.04%	2016	394	\$ 9,900	\$ 9,900
21	Gilchrist	0.00%	2015	166	\$ -	\$ -
22	Glades	0.00%	2020	123	\$ -	\$ -
23	Gulf	1.00%	2015	122	\$ 2,200	\$ 2,200
24	Hamilton	2.50%	2017	95	\$ 3,300	\$ 1,650
25	Hardee	0.00%	2016	324	\$ -	\$ -
26	Hendry	85.47%	2020	435	\$ 409,200	\$ 81,840
27	Hernando	0.00%	2014	1,363	\$ -	\$ -
28	Highlands	0.00%	2014	769	\$ -	\$ -
29	Hillsborough	3.63%	2016	12,903	\$ 514,800	\$ 514,800
30	Holmes	10.00%	2017	256	\$ -	\$ -
31	Indian River	6.01%	2015	2,009	\$ 133,100	\$ 133,100
32	Jackson	0.00%	2015	837	\$ -	\$ -
33	Jefferson	25.00%	2016	84	\$ 23,100	\$ 23,100
34	Lafayette	0.00%	2019	80	\$ -	\$ -
35	Lake	0.00%	2014	2,406	\$ -	\$ -
36	Lee	4.03%	2015	5,380	\$ 238,700	\$ 238,700
37	Leon	46.45%	2020	2,394	\$ 1,224,300	\$ 244,860
38	Levy	55.79%	2018	352	\$ 216,700	\$ 72,233
39	Liberty	30.00%	2018	117	\$ 39,600	\$ 13,200
40	Madison	0.00%	2019	158	\$ -	\$ -

March 12, 2015

* Cost estimates based on a mean of industry pricing

- Indicates district DCP data is unclear

FDOE District Technology Gap Analysis March 2015

% of Classrooms Meeting Wireless (802.11n) Standard

District		% of Classrooms Gap (Total)	District DCP Goal Date	Total Number of Classrooms (Fall 2014 TRI)	Cost of Wireless (Total @ \$1,100/classroom*)	Cost of Wireless (1 year @ \$1,100/classroom*)
41	Manatee	2.62%	2016	3,008	\$ 86,900	\$ 86,900
42	Marion	26.61%	2019	2,435	\$ 712,800	\$ 178,200
43	Martin	0.96%	2014	1,105	\$ 12,100	\$ 12,100
44	Monroe	9.35%	2014	530	\$ 55,000	\$ 55,000
45	Nassau	2.95%	2014	657	\$ 22,000	\$ 22,000
46	Okaloosa	25.60%	2017	1,677	\$ 473,000	\$ 236,500
47	Okeechobee	0.49%	-	406	\$ 3,300	\$ 3,300
48	Orange	10.38%	2019	11,890	\$ 1,358,500	\$ 339,625
49	Osceola	4.66%	2017	3,493	\$ 179,300	\$ 89,650
50	Palm Beach	0.97%	-	12,425	\$ 133,100	\$ 133,100
51	Pasco	12.00%	2024	1,544	\$ 204,600	\$ 22,733
52	Pinellas	44.06%	-	6,430	\$ 3,117,400	\$ 3,117,400
53	Polk	3.65%	2017	6,312	\$ 254,100	\$ 127,050
54	Putnam	8.66%	-	651	\$ 62,700	\$ 62,700
55	St. Johns	0.00%	2015	2,022	\$ -	\$ -
56	St. Lucie	0.00%	2019	2,405	\$ -	\$ -
57	Santa Rosa	0.00%	-	1,540	\$ -	\$ -
58	Sarasota	1.95%	2017	3,067	\$ 66,000	\$ 33,000
59	Seminole	0.42%	2014	3,823	\$ 18,700	\$ 18,700
60	Sumter	11.30%	2016	500	\$ 62,700	\$ 62,700
61	Suwannee	0.00%	-	361	\$ -	\$ -
62	Taylor	16.67%	2015	197	\$ 36,300	\$ 36,300
63	Union	0.00%	-	181	\$ -	\$ -
64	Volusia	2.10%	2015	3,777	\$ 88,000	\$ 88,000
65	Wakulla	30.00%	-	45	\$ -	\$ -
66	Walton	1.14%	2015	531	\$ 7,700	\$ 7,700
67	Washington	0.00%	2019	244	\$ -	\$ -
68	Washington Special					
69	FAMU Lab School	2.78%	2015	47	\$ -	\$ -
70	FAU Palm Beach	0.00%	2018	90	\$ 99,000	\$ 24,750
71	FAU St. Lucie	100.00%	2019	39	\$ 42,900	\$ 21,450
72	FSU Broward	100.00%	2017	90	\$ -	\$ -
73	FSU Leon	0.00%	2019	70	\$ 4,400	\$ 1,100
74	UF Lab School	5.71%	2019	-	\$ -	\$ -
TOTAL		7.59%		164,353	\$ 17,220,500	\$ 10,145,208

Total Combined Gap (Devices, Wireless, Bandwidth) \$ 323,888,347

Combined One Year Gap (Devices, Wireless, Bandwidth) \$ 105,482,033

March 12, 2015

* Cost estimates based on a mean of industry pricing

- Indicates district DCP data is unclear

FDOE District Technology Gap Analysis March 2015

Schools Meeting Bandwidth Standard (100kbps/student)

District	Bandwidth Gap (kbps)	District DCP Goal Date	Cost of Bandwidth (Total @ \$0.18/kbps*)	Cost of Bandwidth (1 year @ \$0.18/kbps*)	
01	Alachua	937,900	2016	\$ 169,291	\$ 169,291
02	Baker	296,000	2019	\$ 53,428	\$ 13,357
03	Bay	314,600	-	\$ 56,785	\$ 56,785
04	Bradford	17,800	2018	\$ 3,213	\$ 1,071
05	Brevard	1,057,500	2017	\$ 190,879	\$ 95,439
06	Broward	2,773,300	2018	\$ 500,581	\$ 166,860
07	Calhoun	96,000	2015	\$ 17,328	\$ 17,328
08	Charlotte	347,700	2019	\$ 62,760	\$ 15,690
09	Citrus	861,100	2015	\$ 155,429	\$ 155,429
10	Clay	206,600	2015	\$ 37,291	\$ 37,291
11	Collier	60,000	-	\$ 10,830	\$ 10,830
12	Columbia	120,000	2015	\$ 21,660	\$ 21,660
13	Dade	8,128,000	2015	\$ 1,467,104	\$ 1,467,104
14	Desoto	5,600	2017	\$ 1,011	\$ 505
15	Dixie	14,800	2019	\$ 2,671	\$ 668
16	Duval	9,080,100	2017	\$ 1,638,958	\$ 819,479
17	Escambia	68,300	2015	\$ 12,328	\$ 12,328
18	Flagler	61,800	2015	\$ 11,155	\$ 11,155
19	Franklin	32,600	-	\$ 5,884	\$ 5,884
20	Gadsden	43,500	2016	\$ 7,852	\$ 7,852
21	Gilchrist	-	2015	\$ -	\$ -
22	Glades	16,400	2020	\$ 2,960	\$ 592
23	Gulf	7,200	2015	\$ 1,300	\$ 1,300
24	Hamilton	-	2016	\$ -	\$ -
25	Hardee	-	2018	\$ -	\$ -
26	Hendry	540,300	2018	\$ 97,524	\$ 32,508
27	Hernando	3,600	2015	\$ 650	\$ 650
28	Highlands	-	2017	\$ -	\$ -
29	Hillsborough	6,248,760	2014	\$ 1,127,901	\$ 1,127,901
30	Holmes	63,800	2017	\$ 11,516	\$ 5,758
31	Indian River	197,500	2014	\$ 35,649	\$ 35,649
32	Jackson	490,000	2016	\$ 88,445	\$ 88,445
33	Jefferson	-	2017	\$ -	\$ -
34	Lafayette	-	2019	\$ -	\$ -
35	Lake	1,521,500	2014	\$ 274,631	\$ 274,631
36	Lee	5,307,400	2015	\$ 957,986	\$ 957,986
37	Leon	261,100	2020	\$ 47,129	\$ 9,426
38	Levy	70,900	2018	\$ 12,797	\$ 4,266
39	Liberty	6,400	2014	\$ 1,155	\$ 1,155
40	Madison	68,400	2015	\$ 12,346	\$ 12,346

March 12, 2015

* Cost estimates based on a mean of industry pricing

- Indicates district DCP data is unclear

FDOE District Technology Gap Analysis March 2015

Schools Meeting Bandwidth Standard (100kbps/student)

District		Bandwidth Gap (kbps)	District DCP Goal Date	Cost of Bandwidth (Total @ \$0.18/kbps*)	Cost of Bandwidth (1 year @ \$0.18/kbps*)
41	Manatee	778,560	2014	\$ 140,530	\$ 140,530
42	Marion	27,200	2016	\$ 4,910	\$ 4,910
43	Martin	1,800	-	\$ 325	\$ 325
44	Monroe	-	2019	\$ -	\$ -
45	Nassau	82,400	2014	\$ 14,873	\$ 14,873
46	Okaloosa	1,193,400	2017	\$ 215,409	\$ 107,704
47	Okeechobee	-	-	\$ -	\$ -
48	Orange	1,147,900	2015	\$ 207,196	\$ 207,196
49	Osceola	417,800	2015	\$ 75,413	\$ 75,413
50	Palm Beach	762,300	2018	\$ 137,595	\$ 45,865
51	Pasco	6,752,500	-	\$ 1,218,826	\$ 1,218,826
52	Pinellas	4,664,900	2019	\$ 842,014	\$ 210,504
53	Polk	316,100	2015	\$ 57,056	\$ 57,056
54	Putnam	596,000	-	\$ 107,578	\$ 107,578
55	St. Johns	2,269,600	2015	\$ 409,663	\$ 409,663
56	St. Lucie	2,930,400	2016	\$ 528,937	\$ 528,937
57	Santa Rosa	107,200	2018	\$ 19,350	\$ 6,450
58	Sarasota	1,033,800	2017	\$ 186,601	\$ 93,300
59	Seminole	4,687,100	2019	\$ 846,022	\$ 211,505
60	Sumter	209,900	2015	\$ 37,887	\$ 37,887
61	Suwannee	-	-	\$ -	\$ -
62	Taylor	114,600	2015	\$ 20,685	\$ 20,685
63	Union	2,600	2015	\$ 469	\$ 469
64	Volusia	76,700	2015	\$ 13,844	\$ 13,844
65	Wakulla	491,900	-	\$ 88,788	\$ 88,788
66	Walton	3,200	2015	\$ 578	\$ 578
67	Washington	-	2019	\$ -	\$ -
68	Washington Special				
69	FAMU Lab School	48,100	-	\$ 8,682	\$ 8,682
70	FAU Palm Beach	3,200	2015	\$ 578	\$ 578
71	FAU St. Lucie	-	2015	\$ -	\$ -
72	FSU Broward	-	2016	\$ -	\$ -
73	FSU Leon	73,200	2017	\$ 13,213	\$ 3,303
74	UF Lab School	-	2019	\$ -	\$ -
TOTAL		68,118,820		\$ 12,295,447	\$ 9,254,069

Total Combined Gap (Devices, Wireless, Bandwidth) \$ 323,888,347

Combined One Year Gap (Devices, Wireless, Bandwidth) \$ 105,482,033

March 12, 2015

* Cost estimates based on a mean of industry pricing

- Indicates district DCP data is unclear

OPPAGA Review of Extra Hour Initiative Student Performance During 2013-14

A presentation to the Senate Appropriations Subcommittee on Education

Mark West
Staff Director, Methodology

March 16, 2015



Extra Hour Initiative

- ▶ The Florida Department of Education identifies Extra Hour schools
- ▶ For 2012-13 and 2013-14, state law required the 100 elementary schools that were the lowest performing in reading to add an extra hour to their regular school day
- ▶ For 2014-15, state law required the 300 elementary schools that were the lowest performing in reading to add an extra hour to their regular school day

Approaches Used to Determine if Student Reading Performance Improved in 2013-14

1

Did the schools remain one of the Low 100/300 the year after they implemented the Extra Hour Initiative?

2

Did student proficiency improve at the schools after they implemented the Extra Hour Initiative?

- Did the percentage of students scoring at grade level increase compared to the prior year?
- Did the percentage of below-grade-level students who made a year's worth of growth increase compared to the prior year?

3

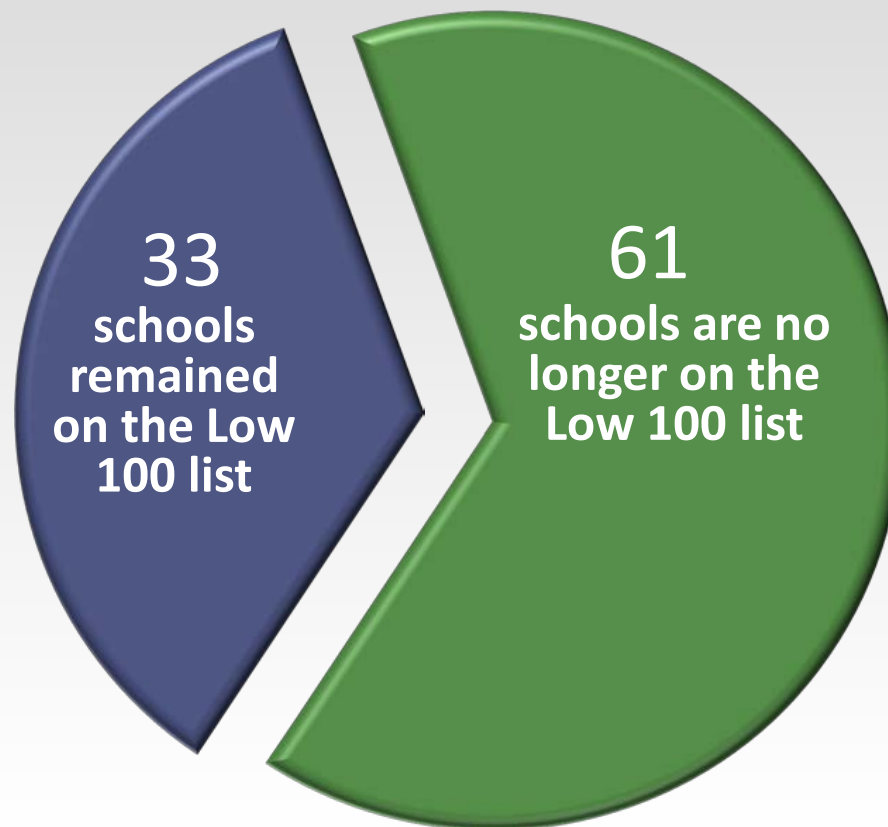
Did students in any Extra Hour schools improve more than their peers at non-Extra Hour schools?

94 Schools Analyzed

- ▶ 101 schools identified to participate during 2013-14
 - Exceeds 100 because of a tie in reading performance
- ▶ Due to closures and other school changes, 94 schools participated

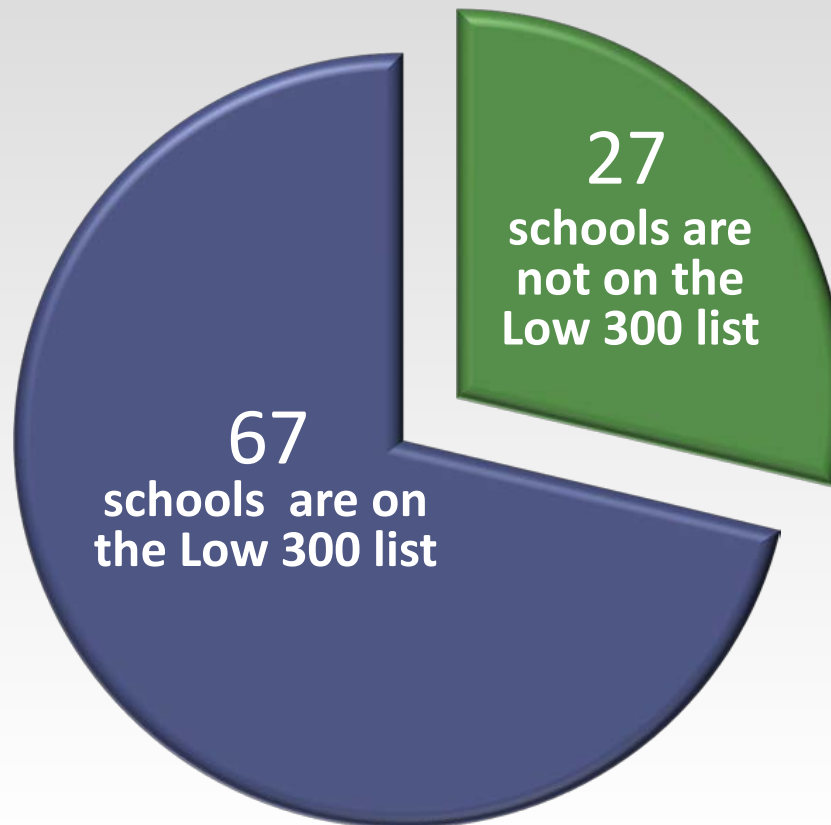
61 Schools Did Not Rank in the Low 100 After Implementing the Extra Hour Initiative

2014-15 Low 100 Status
for Schools That Were in the Low 100 in 2013-14



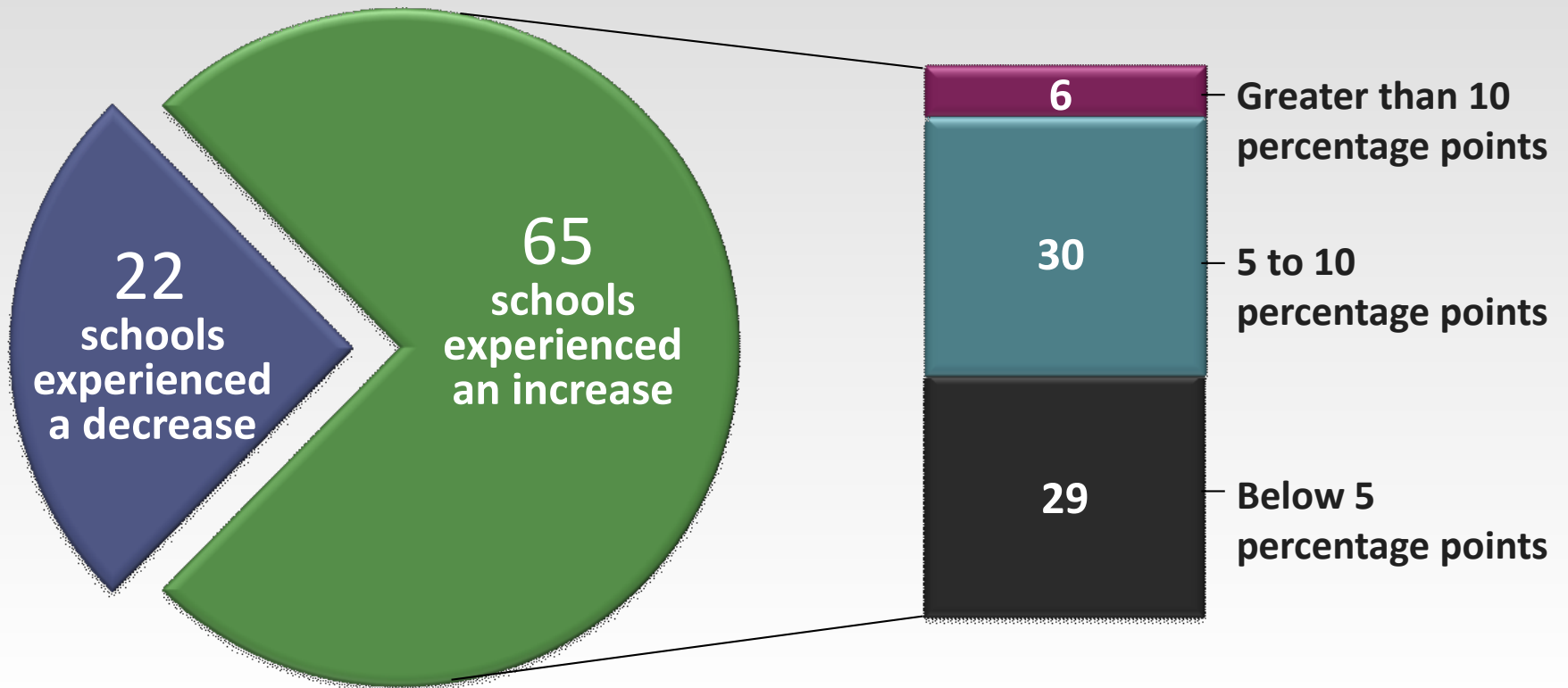
27 Schools Did Not Rank in the Low 300 After Implementing the Extra Hour Initiative

2014-15 Low 300 Status
for Schools that were in the Low 100 in 2013-14



At Most Schools, a Greater Percentage of Students Were Reading at Grade Level

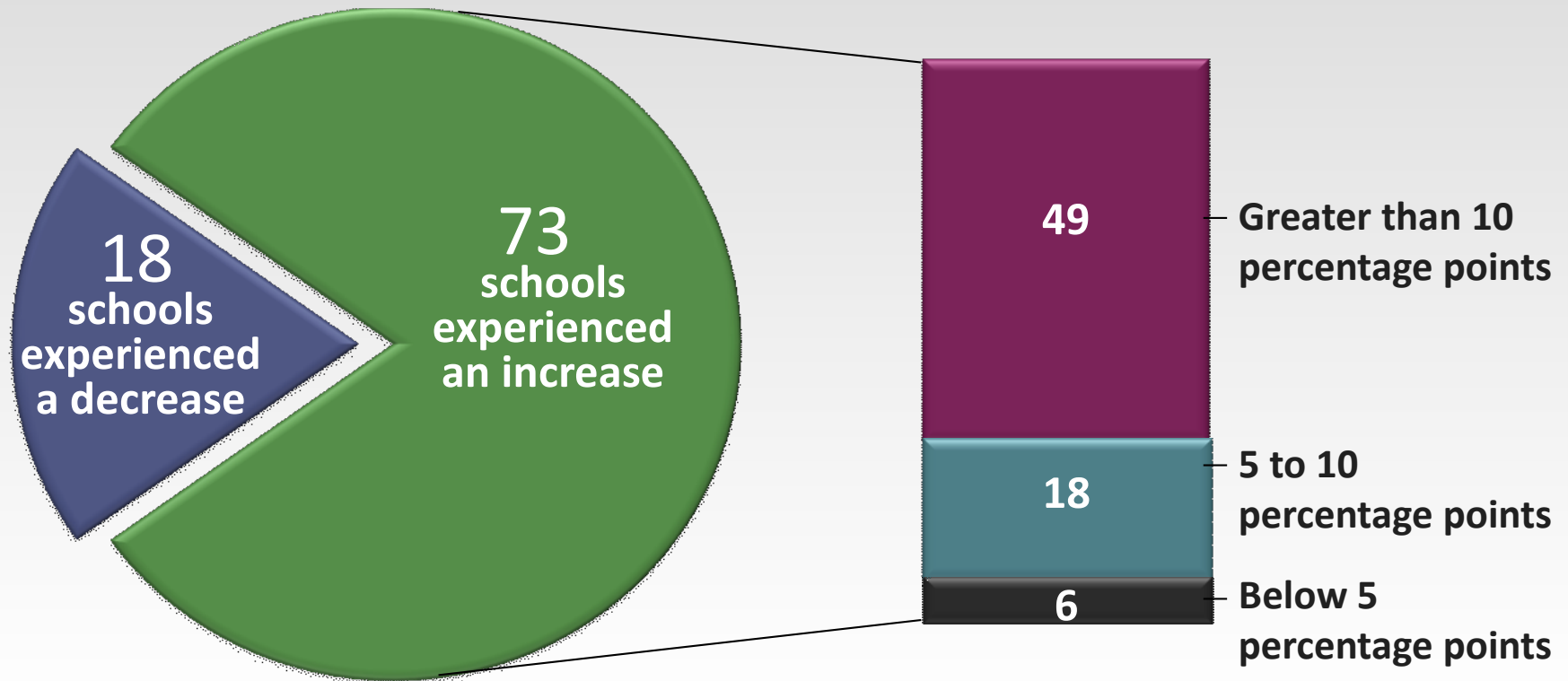
Number of Schools With a Change in the Percentage of Students Reading at Grade Level Between 2012-13 and 2013-14*



*No change at 7 schools

At Most Schools, a Greater Percentage of Below-Grade-Level Students Made a Year's Worth of Learning Growth

Number of Schools With a Change in the Percentage of Below Grade Level Students Making at Least a Year's Worth of Reading Growth Between 2012-13 and 2013-14*



* No change at 3 schools

Summary of School Progress

After Implementing the Extra Hour Initiative During 2013-14

61

schools were *no longer among the Low 100 in reading*

27

schools were *not among the Low 300 in reading*

65

schools increased the percentage of students *reading at grade level*

73

schools increased the percentage of below-grade-level students who *made a year's worth of growth*

Comparison of 2013-14 to 2012-13 Results

- ▶ Increased the percentage of below-grade-level students who made a year's worth of growth
 - 2013-14: 78% (73 of 94) schools
 - 2012-13: 75% (72 of 96) schools
- ▶ Moved off of the Low 100 list
 - 2013-14: 65% (61 of 94) schools
 - 2012-13: 69% (66 of 96) schools
- ▶ Increased the percentage of students reading at grade level
 - 2013-14: 69% (65 of 94) schools
 - 2012-13: 76% (73 of 96) schools

Comparison to Peers at Non-Participating Schools

We measured whether the reading FCAT scores of students at participating schools did better than their peers at non-participating schools who had the same characteristics

- FCAT scores the year prior to the Extra Hour Initiative
- Demographic characteristics
- Title 1 school status
- Same school grade
- At 19 Extra Hour schools, students performed better than similar students at non-participating schools during 2013-14

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THE FLORIDA LEGISLATURE'S
OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

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