

**STORAGE NAME:** h1289.edk  
**DATE:** March 10, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION K-12  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1289  
**RELATING TO:** School District Improvement  
**SPONSOR(S):** Committee on Education K-12 and Representative Andrews  
**STATUTE(S) AFFECTED:** Amends ss. 229.0535 and 230.23, F.S.  
**COMPANION BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION K-12 YEAS 8 NAYS 2
- (2)
- (3)
- (4)
- (5)

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**I. SUMMARY:**

The bill expands the existing authority of the State Board of Education to intervene in the operation of low-performing *schools* by providing authority for the state board to intervene in the operation of low-performing school *districts* when:

- one or more schools in the district fail to make adequate progress for three consecutive school years;
- twenty percent or more of the students in the district drop out of school before graduation; or
- twenty-five percent or more of the students in the district have a cumulative GPA below the GPA required for high school graduation.

The bill requires the Commissioner of Education to consult with the superintendent of a district regarding the potential identification as low performing to discuss possible mitigating factors. The bill authorizes the state board to recommend specified actions or any appropriate action to improve the performance of a low-performing school district with respect to the district's educational services. Additionally, the bill requires the State Board of Education to recommend to the Legislature by January 1, 1998, criteria and procedures for identifying and addressing school districts as low performing based on failure to operate properly and appropriately due to severe financial or legal crisis.

While some fiscal costs and some fiscal benefits could be generated by the bill, these would be contingent upon factors that cannot be predicted at this time, so the overall fiscal impact of the bill is indeterminate.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 2 of Article IX in the State Constitution, specifies that the State Board of Education, consisting of the governor and members of the cabinet, shall "have supervision of the system of public education as is provided by law." Section 4 of Article IX states that each school district will have a school board which is responsible for the operation, control, and supervision of all free public schools within the district.

In 1996, the Florida Legislature created s. 229.0535, F.S., with the intent to hold all public schools accountable for ensuring that students perform at acceptable levels. This section authorizes the state board to develop a system of school improvement that:

- assesses student performance by school,
- identifies schools not providing sufficient progress, and
- institutes necessary measures for enforcing improvement.

Specifically, the state board may intervene in the operation of a school district when one or more schools in the district fail to make adequate progress for three consecutive school years.

In order to determine which schools are failing to make adequate progress, the Department of Education (DOE) must review school performance throughout the state. School performance is measured by the percentage of students scoring in the proficient range on district administered norm-referenced tests for reading and mathematics in grades 4 and 8, the Florida Writing Assessment Program (Florida Writes!) in grades 4, 8, and 10, and the High School Competency Test (HSCT) in grade 11. Schools falling below the required criteria are designated as "critically low performing" as defined by State Board of Education Rule 6A-1.09981.

In November, 1995, the DOE published *Goal 3 Performance Status of Florida Public Schools: 1993-1994 and 1994-1995*. This report presented the academic performance levels of grades kindergarten through twelve relative to Goal 3, student performance, of *Florida's System of School Improvement and Accountability*, better known as Blueprint 2000. The report revealed that 158 schools met the criteria to be designated as "critically low performing."

In November, 1996, the DOE produced the second accountability report, the *1995-1996 Performance Status Report*. According to this report, the number of Florida public schools with critically low student academic performance dropped to 71 in 1996 from the 158 schools identified in the previous report.

Recommendations for action to be taken in the school district are made only after thorough consideration of the unique characteristics of a school, including mobility rates and the number and type of exceptional students enrolled in the school.

If a school has failed to make adequate progress for three consecutive school years, the state board may recommend one or more of the following actions to the school board:

- provide additional assistance or resources and change certain practices;
- implement a plan that resolves equity problems in the school;
- contract for the educational services of the school or reorganize the staff of a school at the end of the academic year;
- permit parents of students in the school to send their children to another district school, if appropriate; or

- any other appropriate action necessary to improve a school's performance.

The state board must specify the length of time in which the school board must implement the recommended action.

The state board may have state funds withheld from a school district that fails to comply with recommendations to improve the low-performing school or a school board that fails to develop and implement a plan for assistance and intervention for a low-performing school. This action is a last resort to be used only after all other recommended action for school district improvement has failed to improve the low-performing school. The Office of the Commissioner of Education states that this sanction has never been imposed.

According to the DOE, the state dropout rate fell to 5.02% in 1995-1996 from 5.24% the previous year, continuing a steady decline since 1993-1994 when the dropout rate was 5.63%. The highest district dropout rate in 1995-1996 reached 11.19%, Glades County, and the lowest was 1.00%, Washington County. The dropout rate measures the number of students who quit school during a given year. The rate is calculated based on the number of students 16 years of age and over who withdrew from school during the school year without transferring to another school in Florida or another state. (Students below the age of 16 years who do not attend school are classified as habitually truant rather than dropouts.)

The following information, obtained from the DOE, relates to state totals for GPA ranges for students in grades 9-12 in the public schools of Florida for the 1995-1996 school year:

153,105 students	Cumulative GPA below 1.5 (i.e. 1.4999 and below)
99,283 students	Cumulative GPA between 1.5 and 1.9999
<u>394,156 students</u>	Cumulative GPA above 1.9999 (i.e. 2.0 and above)

**646,544 students**                      **All 9-12 students**

**B. EFFECT OF PROPOSED CHANGES:**

The bill states the Legislature's intent that all public school *districts*, in addition to all public *schools*, be held accountable for operating properly and appropriately and achieving adequate levels of student performance. It requires the State Board of Education to develop a system of school improvement and accountability that:

- assesses student performance by school *district*, as well as by *school*, and
- identifies school *districts* not providing adequate progress for students or failing to operate properly and appropriately due to severe financial or legal crisis.

The bill requires the Commissioner of Education to consult with the superintendent of a district regarding the potential identification as low performing to discuss possible mitigating factors including unique characteristics of the district.

Specifically, the bill expands the existing authority of the State Board of Education to intervene in the operation of low-performing school *districts* when:

- one or more schools in the district fail to make adequate progress for three consecutive school years;
- twenty percent or more of the students in the district drop out of school before graduation; or
- twenty-five percent or more of the students in the district have a cumulative GPA below the GPA required for high school graduation.

The bill authorizes the state board to recommend *specified actions* or *any appropriate action* to improve the performance of a low-performing school district with respect to the district's educational services to the students in the district.

The bill provides that recommendations for actions to address low-performing schools or low-performing school districts shall be made only after thorough consideration of the unique characteristics of the school or school district, which may include student mobility rates and the number and type of exceptional students, the teacher to student ratio in each classroom, and the number of available textbooks and other instructional materials per student.

The specified actions that the bill permits the state board to recommend to improve a low-performing school district with respect to the district's educational services to the students in the district are:

- provide additional assistance or resources and change certain practices;
- implement a plan that resolves equity problems;
- contract for the educational services of the school district or reorganize any number of schools within the district; or
- any other appropriate action necessary to improve the district's performance.

Additionally, the bill requires the state board to recommend to the Legislature by January 1, 1998, criteria and procedures for identifying and addressing school districts that are low-performing districts because of failure to operate properly due to severe financial or legal crisis.

The bill expands the sanction of having state funds withheld from a low-performing school district that fails to comply with recommendations to improve the district, to conform to the expanded requirements for school district performance.

C. APPLICATION OF PRINCIPLES: GENERALLY:

1. Less Government:

*The bill could be viewed, particularly by those who do not wish to be recipients of state board intervention, as restrictive or onerous. The bill could also be viewed as facilitating a reduction in educational inefficiency or other government waste to the extent state board intervention assists the school district to improve its performance, regardless of whether the improvement is related to academic performance, the learning environment, or a financial or legal crisis.*

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

See C.1., above.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

See C.1., above.

- (3) any entitlement to a government service or benefit?

*See C.1., above.*

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

*See C.1., above.*

- (2) what is the cost of such responsibility at the new level/agency?

*See C.1., above.*

- (3) how is the new agency accountable to the people governed?

*See C.1., above.*

2. Lower Taxes:

*Not applicable.*

- a. Does the bill increase anyone's taxes?

*No.*

- b. Does the bill require or authorize an increase in any fees?

*No.*

- c. Does the bill reduce total taxes, both rates and revenues?

*No.*

- d. Does the bill reduce total fees, both rates and revenues?

*No.*

- e. Does the bill authorize any fee or tax increase by any local government?

*No.*

3. Personal Responsibility:

*The authority for state board supervision over certain "personal responsibilities" of the school districts is expanded by the bill. The bill could be viewed as having a positive impact on school district responsibility by setting minimum standards for district performance.*

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

*See C.3., above.*

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

See C.3., above.

4. Individual Freedom:

*The bill enhances supervision of school districts and to that extent could be viewed as restricting the "individual" freedom of the school district. On the other hand, the bill could be viewed as enhancing the individual freedom of students in low-performing school districts by setting minimum standards for school districts and facilitating improvement in performance of school districts.*

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

See C.4., above.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

See C.4., above.

5. Family Empowerment:

*To the extent families and children are identified as being in a low-performing district, the bill could be viewed as having a negative effect on them; to the extent low-performing districts demonstrate improvement, the bill could be viewed as having a positive and empowering effect on families and children within the district.*

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

See C.5., above.

- (2) Who makes the decisions?

See C.5., above.

- (3) Are private alternatives permitted?

See C.5., above.

- (4) Are families required to participate in a program?

See C.5., above.

- (5) Are families penalized for not participating in a program?

See C.5., above.

- b. Does the bill directly affect the legal rights and obligations between family members?

See C.5., above.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

See C.5., above.

- (1) parents and guardians?

See C.5., above.

- (2) service providers?

See C.5., above.

- (3) government employees/agencies?

See C.5., above.

**ACADEMIC EXCELLENCE COUNCIL'S ADDITIONAL CONSIDERATIONS:**

*The bill could be viewed as meeting each of the Academic Excellence Council's seven additional considerations, e.g., improving instruction, allowing teachers to teach, improving student character, preparing students for the workforce, empowering parents to make decisions, creating educational options, and creating an environment where students can learn.*

1. Does it improve instruction?

*Yes, one of the purposes of the bill is to improve instruction in identified low-performing school districts.*

2. Does it allow teachers to teach?

*Yes, the bill is designed to reduce low performance of school districts, which should in turn enhance the ability of teachers in the district to teach.*

3. Does it improve student character?

*Yes, the bill could be viewed as having a positive effect on student character by: (a) Increasing awareness of students and families of problems attendant when a district is low performing; and (b) Improving the performance of low-performing districts. The nonprofit Character Education Partnership has developed ten basic principles for effective character education. One of these states that "character education as well as academic progress must be evaluated in every school." (see THE WALL STREET JOURNAL, Feb. 18, 1997)*

4. Does it prepare our students to be a part of the 21st century workforce?

*Yes, see 3., above.*

5. Does it empower parents to make decisions?

*Yes, see 3., above.*

6. Does it create educational options?

*Yes, see 3., above.*

7. Does it create an environment where students can learn?

*Yes, see 3., above.*

**D. SECTION-BY-SECTION ANALYSIS:**

Section 1: Amends s. 229.0535, F.S., expanding the authority of the State Board of Education to intervene in the operation of school districts under specified circumstances, requiring the Commissioner of Education to consult with the superintendent of a district regarding the potential identification as low performing to discuss possible mitigating factors, and requiring the State Board of Education to recommend criteria and procedures for identifying and addressing specified factors for low-performing school districts to the Legislature.

Section 2: Amends s. 230.23, F.S., relating to powers and duties of school boards, to conform.

Section 3: Provides for an effective date of July 1, 1997.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

Indeterminate.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Indeterminate.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

Indeterminate.



3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

While some fiscal costs and some fiscal benefits could be generated by the bill, these would be contingent upon factors that cannot be predicted at this time, so the overall fiscal impact of the bill is indeterminate.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

*This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.*

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

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

V. COMMENTS:

Recent articles have reported problems in several school districts resulting in grand jury proceedings and law enforcement investigations. Depending on the specific criteria developed by the state board, these types of situations could be considered a "severe financial or legal crisis" under the provisions of this bill.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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VII. SIGNATURES:

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