

STORAGE NAME: h2141z.ei

DATE: May 14, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
FINAL ANALYSIS**

BILL #: HB 2141 (PCB EI 99-04) (Passed as CS/SB 2186)

RELATING TO: Deregulated Public Schools

SPONSOR(S): The Committee on Education Innovation

COMPANION BILL(S): CS/SB 2186 (C)

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

(1) EDUCATION INNOVATION YEAS 6 NAYS 0

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I. FINAL ACTION STATUS:

PASSED BY THE LEGISLATURE -- CHAPTER 99-253, LAWS OF FLORIDA

CS/SB was ordered enrolled on April 30, 1999, and was approved by the Governor on June 6, 1999.

II. SUMMARY:

HB 2141 extends the length of the deregulated public schools pilot program to the 2003-2004 school year and allows Lee County to participate in the program. The pilot districts are allowed to receive proposals throughout the year rather than just in July and August. The bill also includes deregulated schools in the statewide assessment program and assures that children enrolled in these schools take the FCAT.

The bill allows the certification requirements as required by ch. 231, F.S., be waived for teachers employed by or under contract at a deregulated public school. In order for this requirement to be waived schools must provide appropriate justification with their request for waiver. Administrators involved in the deregulated public school pilot project have cited teacher certification as one of the areas where the participants in the pilot program desire flexibility. The bill authorizes the commissioner to waive ch. 231, F.S., requirements with justification from the school and district.

There is no fiscal impact.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

PILOT PROGRAM

Section 228.0565, F.S. authorized the creation of deregulated public schools to provide public schools the same flexibility and accountability afforded charter schools. Pilot programs for deregulated public schools are being conducted in two large, two medium-sized, and two small school districts. For the 1998-1999 school year, no more than six schools per district, to include no more than two high schools, two middle schools, and two elementary schools, may participate in the flexibility program. The following districts are authorized to conduct a pilot program in 1998-1999: Palm Beach, Pinellas, Seminole, Leon, Walton, and Citrus Counties.

Currently, Pinellas County has one deregulated public school, Walton County has four deregulated public schools, Palm Beach and Leon Counties have five deregulated public schools, and Citrus County has eleven.

PURPOSE

The purpose of the pilot program for deregulated public schools is to:

- Improve student learning.
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.
- Encourage the use of different and innovative learning methods.
- Increase choice of learning opportunities for students.
- Establish a new form of accountability for schools.
- Require the measurement of learning outcomes and create innovative measurement tools.
- Make the school the unit for improvement.
- Relieve schools of paperwork and procedures that are required by the state and the district for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

PROPOSAL

A proposal to be a deregulated school must be developed by the school principal and the school advisory council. A majority of the members of the school advisory council must approve the proposal, and the principal and the school advisory council chairman must sign the proposal. At least 50 percent of the teachers employed at the school must approve the proposal. The school must conduct a survey to show parental support for the proposal.

A district school board is to receive and review all proposals for a deregulated public school during July and August. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal. The Department of Education may provide technical assistance to an applicant upon written request. The terms and conditions for the operation of a deregulated public school will be set forth in the proposal. The school district is not to impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

ELIGIBLE STUDENTS

A deregulated school is open to all students residing in the school's attendance boundaries as determined by the school district. The deregulated public school is to have maximum flexibility to enroll students under the school district open enrolled plan.

REQUIREMENTS

Like other public schools, a deregulated public school is to:

- Be nonsectarian in its programs, admission policies, employment practices, and operations.
- Not charge tuition or fees, except those fees normally charged by other public schools.
- Meet all applicable state and local health, safety, and civil rights requirements.
- Not violate the antidiscrimination provisions of s. 228.2001, F.S., (discrimination against students or employees).
- Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

ELEMENTS OF THE PROPOSAL

The major issues involving the operation of a deregulated public school are to be considered in advance and written into the proposal. The proposal is to address, and criteria for approval of the proposal is to be based, on:

- The school's mission and the students to be served.
- The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed.
- The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used.
- The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school. Students in deregulated and flexible public schools will, at a minimum, participate in the statewide assessment program.
- In secondary schools, a method for determining that a student has satisfied the requirements for graduation in s. 232.246, F.S.
- A method for resolving conflicts between the school and the district.
- The admissions procedures and dismissal procedures, including the school's code of student conduct.
- The ways by which the school's racial/ethnic balance reflects the community it serves or reflects the racial/ethnic range of other public schools in the same school district.
- The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow school district fiscal and administrative policies.
- The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.
- The qualifications to be required of the teachers.

The school is to make an annual progress report to the district, which upon verification will be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report must contain at least the following information:

- The school's progress toward achieving the goals outlined in its proposal.
- The information required in the annual school report pursuant to s. 229.592, F.S.
- Financial records of the school, including revenues and expenditures.
- Salary and benefit levels of school employees.

A school district is to ensure that the proposal is innovative and consistent with the state education goals established by s. 229.591, F.S. Upon receipt of the annual report, the Department of Education is to provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the norm-referenced assessment tests, versus comparable public school students in the district as determined by norm-referenced assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

EXEMPTION FROM STATUTES

A deregulated public school must operate in accordance with its proposal and is exempt from all statutes of the Florida School Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required. A deregulated public school is not exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, F.S., relating to public meetings and records, public inspection, and penalties. The school district, upon request of a deregulated public

school, may apply to the Commissioner of Education for a waiver of provisions of chapters 230 through 239 which are applicable to deregulated public schools under this section, except that the provisions of chapter 236 or chapter 237 will not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The commissioner may grant the waiver if necessary to implement the school program.

TEACHER CERTIFICATION

Teachers employed by or under contract to a deregulated public school must be certified as required by chapter 231. A deregulated public school may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as paraprofessionals in the same manner as defined in chapter 231. A deregulated public school may not employ an individual to provide instructional services or to serve as a paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers will be disclosed to parents. A deregulated public school must employ or contract with employees who have been fingerprinted as provided in s. 231.02, F.S.

Administrators involved in the deregulated public school pilot project have cited teacher certification regulations as an area where they desire more flexibility. At an Education Innovation Committee meeting, a principal at a deregulated middle school testified that they (the school administration) would like to employ a reading teacher to teach remedial reading. However, under the current certification laws, it is difficult to find a teacher who is certified in elementary grade level reading who is also certified to teach at the middle and high school level.

REVENUE

Students enrolled in a deregulated public school are funded in a basic program or a special program in the same manner as students enrolled in other public schools in the school district.

LENGTH OF SCHOOL YEAR

A deregulated public school must provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

FACILITIES

A deregulated public school must utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 235.26, F.S., or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, F.S., as adopted by the authority in whose jurisdiction the facility is located.

1998-1999 IMPLEMENTATION

The pilot program was implemented during the 1998 Legislative session. Participating schools and districts have used this initial year to research, plan, and begin implementation. During the past year, the participating districts have also held several workshop meetings to exchange ideas. Some of the activities requiring additional flexibility which are being proposed or implemented are:

- Integration of social studies and science curriculum into the reading and math programs (Citrus County, elementary schools)
- Use of out-of-field teachers (Citrus Springs Middle School)
- Relief from local and state paperwork procedures and policies (Citrus County — Citrus Springs Middle School; Crystal River Middle School)
- Flexibility in assignment procedures and policies for mainstreaming students (Citrus County — Citrus Springs Middle School; Crystal River Middle School)
- Norm referenced assessment of 1st and 2nd grade students instead of group testing (Leon County — Hartsfield Elementary School)

- Serving more three year olds in Early Intervention Programs
- Extend school day for some students
- Provide more challenging curricular offering to challenge the more academically able students
- Greater use of telecommunications and creating "virtual" classrooms
- Simplifying teacher evaluation with a strong emphasis on individual students and class performance
- Development of proposals to channel additional financial resources to classrooms
- Elimination of unnecessary forms and reports
- Serving as a middle school magnet for a modified calendar

B. EFFECT OF PROPOSED CHANGES:

PILOT PROGRAM

HB 2141 authorizes the continuation of the pilot program through the 2003-2004 school year and allows Lee County to participate in the program.

The bill removes the July and August time frame for the districts to receive and review deregulated school proposals. This will enable the districts to receive and review proposals anytime throughout the year.

The bill includes deregulated schools in the statewide assessment program and assures that children enrolled in these schools take the FCAT.

TEACHER CERTIFICATION

Additionally, the bill allows the certification requirement under chapter 231 for teachers employed by or under contract at a deregulated public school. In order for this requirement to be waived schools must provide appropriate justification with their request for waiver. The bill gives the commissioner authority to waive requirements of chapter 231 in order to facilitate innovative practices and to allow local school selection of educational methods.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

The Commissioner is allowed to grant waivers for teacher certification to deregulated schools.

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

No.

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

No.

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?

None

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

N/A

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

N/A

2. Lower Taxes:

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:

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

No.

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

No.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

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

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

No.

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

No.

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

No.

- 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:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 228.0565, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 Amends s. 228.0565, F.S., extending the length of the pilot program to the 2003-2004 school year; allowing Lee County to participate in the program; allowing the certification requirements of chapter 231 to be waived with appropriate justification.

Section 2 Provides an effective date of July 1, 1999.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

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:

None.

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce revenue raising authority of counties or municipalities.

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

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

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 2141 passed the House Education Innovation Committee unanimously as PCB EI 99-04 on March 31, 1999.

The Senate companion bill, CS/SB 2186, was taken up by the House on April 28, 1991, and was passed with a "remove everything after the enacting clause" amendment. The amendment differed from HB 2141 in the following ways:

- ◆ Authorized Duval County to participate in the pilot program in addition to Lee and Broward Counties which were authorized in HB 2141.
- ◆ Removed the specific time frames of July and August for a district to receive and review all deregulated school proposals, thus enabling the district school board to receive and review proposals at any time during the year.
- ◆ Replaced references to "norm-referenced" assessment tests with "statewide" and "FCAT and district" assessment tests.

On April 29, 1999, the Senate amended the House amendment to remove Broward and Duval Counties from the pilot program, leaving Lee County as the one new district to be added to the pilot project.

The House amendment as amended passed the Senate 40 to 0 and the House concurred with a vote of 115 to 1.

The committee substitute as amended was ordered enrolled on April 30, 1999.

CS/SB 2186 passed the House as amended by a vote of 110 to 5.

VIII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Pamela M. Allen

Staff Director:

Ouida J. Ashworth

STORAGE NAME: h2141z.ei
DATE: May 14, 1999
PAGE 10

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION INNOVATION:
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