

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1917 (PCB EDK 04-08) Class Size Reduction  
**SPONSOR(S):** Committee on Education K-20 and Kilmer  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 364

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20	26 Y, 0 N	Aldis	Bohannon
2) Appropriations			
3)			
4)			
5)			

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### SUMMARY ANALYSIS

The bill modifies the requirements for pursuing the 3-year accelerated graduation option. The bill:

- Establishes enrollment procedures
- Modifies course requirements for the college preparatory option
- Modifies course requirements for the career preparatory option
- Increases classroom performance requirements
- Allows for an alternative assessment to the grade 10 FCAT
- Provides notice at the end of grade 10 when a student is not on track to graduate
- Prescribes situations where a student will automatically be moved to the 4-year graduation option

The changes made to the accelerated graduation option generally decrease the number of students able to participate and increase the requirements to complete the option.

The bill changes the calculations used to determine compliance with the maximum class size requirements to allow districts with unexpected growth to use the estimated student enrollment from the first FEFP calculation rather than the actual number of students as measured in the October student membership survey. It also allows districts that fail to meet the class size reduction requirements one year but meet it the next year to have a reversal of the class size reduction operating categorical transfer.

The bill also adjusts the Classrooms for Kids Program allocation to remove adult FTEs and adult vocational technical centers from the formula used for distribution of funds to reduce K-12 class sizes.

The bill has an indeterminate, but presumed small, impact on state expenditures. The state would need to expend funds for a fourth year of high school for students failing to meet the increased requirements for the 3-year accelerated graduation options.

The act shall take effect July 1, 2004.

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

**STORAGE NAME:** h1917.edk.doc  
**DATE:** April 14, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

By increasing the requirements to participate in the accelerated graduation option, the freedom to choose that option has been reduced for some students. However, individual freedom has been increased by allowing concordant scores on alternative assessments to meet the grade 10 Florida Comprehensive Assessment Test (FCAT) requirements to receive a standard diploma.

#### B. EFFECT OF PROPOSED CHANGES:

### BACKGROUND

In November of 2002, Florida voters approved a constitutional amendment to reduce class size.<sup>1</sup> This bill amends three of the sections created in Ch. 2003-391, *Laws of Florida*, which was passed by the Legislature to implement class size reduction. Section 1003.03, F.S., placed the primary provisions of the constitutional amendment into the Florida Statutes and included provisions on implementation and accountability. Section 1003.429, F.S., created a college preparatory option and a career preparatory option for students to graduate high school by following a 3-year, 18-credit, instead of a traditional 4-year, 24-credit high school curriculum. One of the requirements for graduation under the college and career preparatory options is to receive a passing score on the grade 10 FCAT. The bill modifies that requirement to allow for students to receive an equivalent score on another standardized test. For equity, this provision is also applied to students who choose the 24-credit graduation option. The Classrooms for Kids Program, s. 1013.735, F.S., was created to meet the facilities requirements of the class size reduction amendment.

### CLASS SIZE REDUCTION IMPLEMENTATION AND ACCOUNTABILITY

The bill alters s. 1003.03, F.S., which statutorily sets the maximum number of students per class and establishes procedures for implementation and accountability. Currently, the October student membership survey is used to determine if a district is in compliance with the class size reduction requirements. The bill provides that, beginning in the 2004-2005 school year, if the actual student membership in the October survey exceeds the student membership estimate in the Florida Education Finance Program (FEFP) first calculation then the FEFP estimate shall be used as the district's October class size average.<sup>2</sup> This allows districts time to plan how to meet the class size reduction requirements. The change benefits any district with an increase in students from the FEFP first calculation to the October survey; however, it will be especially beneficial to those districts that have a large amount of student growth.

<sup>1</sup> The amendment is part of Art. IX, §1, Fla. Const.

<sup>2</sup> The FEFP first calculation does not occur on a set date but rather comes with the General Appropriations Act Conference Report from the House and Senate Budget Conference.

There does not appear to be an immediate problem using the FEFP estimates instead of the October student membership survey to determine compliance with the class size reduction statutory requirements. However, in the 2010-2011 school year, the State Constitution will require certain maximum class sizes, and it is unclear if estimates rather actual student enrollment will meet the constitutional requirements.

Also beginning in the 2004-2005 school year, a district that fully achieves the required class size averages when compared to the February 2003 baseline student membership survey is eligible for a reversal of the prior-year class size reduction operating categorical transfer. This provision eliminates the penalty to districts that fail to meet the class size reduction requirements in one year but meet the requirements in the second year. Districts may benefit in the following ways:

- Gives flexibility to pursue class size solutions that may take more than one year to implement;
- Accommodates unexpected growth by giving a year to adjust; and
- Lessens the need for districts to take inefficient or short-term actions if the district is slightly over the required class size average.

## **ACCELERATED GRADUATION**

The bill makes substantial changes to the current accelerated graduation program as described in s. 1003.429, F.S. The bill establishes enrollment procedures, modifies course requirements for the college preparatory and career preparatory options, increases classroom performance requirements, allows for achievement of scores on an alternate assessment that are concordant with passing scores on the grade 10 FCAT for graduation purposes, provides a notice when a student is making inadequate progress after grade 10, and describes certain situations in which the student will automatically move to the 4-year graduation option. However, the bill includes a clause that allows any student who has selected an accelerated graduation program before July 1, 2004, to continue under the requirements of that program.

### *Enrollment Procedures*

Prior to completing the ninth grade, with some exceptions,<sup>3</sup> the bill requires a student to select a graduation option. A student not selecting a graduation option will be deemed to have selected the general requirements for high school graduation described in s. 1003.43, F.S. For a student to select an accelerated graduation option certain procedures must be followed.

- Designated school personnel shall meet with the student and student's parent to give an explanation of the requirements, advantages, and disadvantages of each graduation option;
- The student shall give the high school principal and guidance counselor a signed parental consent to enter an accelerated graduation option; and
- The student must have achieved an FCAT math and reading achievement level of at least 3 and an FCAT writing score of 3 on the grade 8 assessments.<sup>4</sup>

Overall, the enrollment procedures required by the bill give a student pursuing an accelerated graduation option more information to make a decision that is in his or her best interest, require a parent to consent, and provide minimum assessment scores to enter an accelerated graduation option.

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<sup>3</sup> A student transferring from a private school or from another state after grade 9 or a student who was prevented from choosing a graduation option due to illness during grade 9 may select an accelerated graduation option prior to completing the first semester of grade 10.

<sup>4</sup> In 2003, 41.6% of grade 8 students attained an achievement level of 3 or above in both FCAT math and reading. Because FCAT writing scores are stored on a separate database it is not possible to determine how many of the students that attained a 3 in both FCAT math and reading attained less than a 3 in FCAT writing, but the number is presumed small as 91% of students received a 3 in FCAT writing. Therefore, slightly less than 41.6% of grade 8 students meet the eligibility requirements to enter an accelerated graduation option. Data Source: Florida Department of Education.

### *College Preparatory Option*

The college preparatory option requires 18 credits comprised of the following:

- 4 credits in English with major concentration in composition and literature;
- 3 credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;
- 3 credits in natural science, two of which must have a laboratory component;
- 3 credits in social sciences;
- 2 credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and
- 3 credits in electives.

The bill requires that 6 of the 18 required credits be earned in courses that are honors, dual enrollment, advanced placement, International Baccalaureate, Advanced International Certificate of Education, identified by the Department of Education (DOE) as weighted, or weighted by the district school board for class ranking purposes.

Current law requires 3 credits in social sciences but does not specify any particular classes. The bill requires that the social science credits include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics. This change makes the social science requirement for the college preparatory accelerated graduation option consistent with the general requirements for high school graduation (4-year option), as provided in s. 1003.43, F.S.

### *Career Preparatory Option*

The career preparatory option requires 18 credits comprised of the following:

- 4 credits in English with major concentration in composition and literature;
- 3 credits in mathematics, one of which must be Algebra I;
- 3 credits in natural science, two of which must have a laboratory component;
- 3 credits in social sciences;
- 2 credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and
- 3 credits in electives.

Under current law, a student can take a maximum of 3 credits in vocational or career education courses by choosing those courses as his or her electives. However, there is no requirement that a student take any vocational or career education courses. This bill requires students complete one of the following options:

- 3 credits in a single vocational or career education program and 2 credits in electives;
- 3 credits in career and technical certificate dual enrollment courses and 2 credits in electives; or
- 5 credits in vocational or career education courses.

Current law requires 3 credits in social sciences but does not specify any particular classes. The bill requires that the social science credits include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics. This change makes

the social science requirement for the career preparatory accelerated graduation option consistent with the general requirements for high school graduation (4-year option), as provided in s. 1003.43, F.S.

### *Classroom Performance*

Current law requires a student in an accelerated graduation option to attain a cumulative grade point average of 2.0 on a 4.0 scale. The bill requires a student to maintain a 3.0 grade point average in the college preparatory option or a 2.5 grade point average in the career preparatory option. In addition, for a course to count toward the 18 required credits for graduation, a student must earn at least 3.0 points in the course if enrolled in the college preparatory option or 2.0 points in the course if enrolled in the career preparatory option.<sup>5</sup>

### *Alternate Assessment for the Grade 10 FCAT*

In addition to having the requisite grade point average, a student must currently achieve a passing score on the grade 10 FCAT to qualify for a standard diploma under both the college and career preparatory accelerated graduation options. The bill provides that a student that has exhausted all of his or her attempts to pass the grade 10 FCAT may substitute scores achieved on the SAT or ACT that are concordant with passing scores on the grade 10 FCAT.

This assessment alternative was previously used on a one-year basis for students graduating in 2002-2003. Chapter 2003-413, *Laws of Florida*, directed the Commissioner of Education to determine the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military, to the FCAT. The legislation required the Commissioner to approve the use of tests that were determined to be valid and reliable measures as alternate assessments to the grade 10 FCAT.

Of the standardized tests listed, only the SAT and ACT were approved for use as alternate assessments to the FCAT. The SAT and ACT generally measure the same curriculum areas contained in the Sunshine State Standards for grade 10, and the DOE maintains a longitudinal database that includes thousands of student SAT and ACT scores necessary to support concordance studies with the FCAT.<sup>6</sup>

The DOE conducted concordance studies to determine the score relationship between the FCAT and the SAT and ACT. The alternative assessment concordant scores for the 2003-2004 school year are as follows:

Concordant Scores for 2003-2004 Graduating Class		
	Reading	Math
FCAT	300	300
SAT	410	370
ACT	15	15

The bill makes these alternative assessments a permanent option for both the college and career preparatory accelerated graduation options. For equity, this provision is also applied to students who

<sup>5</sup> All classes identified in s. 1009.531(3), F.S., as rigorous or weighted by the school district for class ranking purposes are weighted for the purpose of calculating the grade or grade point average requirements in the accelerated graduation options.

<sup>6</sup> The DOE *Report of Implementation of HB 23B Relating to Alternate Assessment Options for Meeting Grade 10 FCAT Requirements* indicates that the national standardized instruments did not provide the most desirable assessment of Sunshine State Standards. Other tests specifically listed in the statute were not determined to be as closely aligned with the FCAT for purposes of being used as alternate assessment.

choose the 24-credit graduation option pursuant to s. 1003.43, F.S. In 2003, only 222 grade 12 students met the grade 10 FCAT requirements through the use of alternative assessments.<sup>7</sup>

If all students have the option of taking alternative assessments, there is concern that there may not be as much incentive to perform well on the FCAT. This could affect the designation of school performance grade categories.<sup>8</sup> The bill does limit the alternative assessment option to a student that has exhausted all of his or her attempts to pass the grade 10 FCAT or has entered a Florida public school in grade 11 or grade 12.

#### *Notice to Student and Parent*

The bill requires a school to notify the parent and student if a student enrolled in an accelerated graduation option is not on track at the end of grade 10 to meet the credit, assessment, or grade-point-average requirements of the chosen accelerated graduation option. The notice must contain:

- Requirements the student is not currently meeting;
- Specific performance necessary in grade 11 for the student to meet the requirements; and
- The student's right to change to the 4-year graduation option.

#### *Movement to the 4-year Option*

The bill establishes certain situations where a student is moved from an accelerated graduation option to the 4-year graduation option. The conditions are as follows:

- The student exercises his or her right to change;
- Failure to earn 5 credits by the end of grade 9;
- Failure to earn 11 credits by the end of grade 10;
- Attaining a score of less than 3 on the grade 10 FCAT writing assessment; and
- At the end of three years, the student does not meet all requirements for the chosen accelerated graduation option.

Current law does not specify any situations where a student is removed from the accelerated graduation option once that selection has been made.

### **CLASSROOMS FOR KIDS PROGRAM**

The Classrooms for Kids Program was created by the 2003 Legislature and funded with \$570 million from the Lottery Capital Outlay and Debt Services Trust Fund. The Program is designed to help districts meet the facilities requirements of the class size reduction amendment for grades K-12. Currently, both K-12 and adult capital outlay full-time equivalent (FTE) membership students are included in that portion of the formula (90 percent) distributed on an FTE student basis. Likewise, the square footage of all facilities, including adult vocational technical centers, is included in that portion of the formula (10 percent) based on total district building square footage. Therefore, the classrooms for kids allocation formula for K-12 class size reduction includes adult FTE and adult vocational technical centers which are not part of the class size reduction effort.

The bill limits both the full-time equivalent membership students and the building square footage used in the calculations of the distribution formula to K-12 FTE and facilities. Adult factors would no longer be included, which is policy consistent with the purpose of the K-12 class size reduction effort.

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<sup>7</sup> The DOE *Report of Implementation of HB 23B Relating to Alternate Assessment Options for Meeting Grade 10 FCAT Requirements*.

<sup>8</sup> Department of Education, March 19, 2004.

C. SECTION DIRECTORY:

Section 1: Amends s. 1003.03, F.S.; revises the method of calculating compliance with the maximum class size requirements; provides that districts that fail to meet the class size reduction requirements one year may, under certain conditions, have a reversal of the class size reduction operating categorical transfer.

Section 2: Amends s. 1003.429, F.S.; revises the academic and procedural requirements for students pursuing 3-year graduation options.

Section 3: Amends s. 1003.43, F.S.; conforms a cross-reference to the FCAT alternative assessment for students enrolled in the 24-credit graduation option.

Section 4: Amends s. 1008.22, F.S.; authorizes the SAT and ACT as alternate assessments for students entering a Florida public school in grades 11 or 12 and for students who have exhausted all attempts to pass the grade 10 FCAT.

Section 5: Amends s. 1013.735, F.S.; excludes adult education students and adult vocational technical facilities from the formulas used to calculate each school district's allocation under the Classroom for Kids Program.

Section 6: Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

The accelerated graduation portion of the bill appears to have a minimal, indeterminate fiscal impact on state expenditures. By increasing the requirements for graduation in the 3-year graduation option, fewer students will be able to graduate in 3 years which will require the state to pay for a fourth year of high school. The fiscal impact is thought to be minimal because of the relatively small number of students believed to be pursuing the 3-year accelerated graduation option.<sup>9</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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<sup>9</sup> Currently, no statewide records exist as to the number of students pursuing an accelerated graduation option, but anecdotal evidence suggests the number is low. The DOE will begin including questions on its regular survey of school districts to determine how many students are pursuing an accelerated graduation option.

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

Adjusting the Classrooms for Kids allocations to eliminate adult FTE and adult vocational technical centers from the calculations is consistent with the K-12 class size reduction requirement.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Committee on Education K-20 adopted four amendments to the bill on March 31, 2004, and reported bill EDK 04-08 favorable.

The first amendment authorizes the SAT and ACT as alternate assessments for students entering a Florida public school in grades 11 or 12 and for students who have exhausted all attempts to pass the grade 10 FCAT.

The second amendment places a cross-reference from the accelerated graduation assessment requirement to the section that provides the option of an alternate assessment.

The third amendment places a cross-reference from the regular 24-credit graduation assessment requirement to the section that provides the option of an alternate assessment.

The fourth amendment revises the method of calculating compliance with the maximum class size requirement and provides that districts that fail to meet the class size reduction requirements one year may, under certain conditions, have a reversal of the class size reduction operating categorical transfer.