

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 91 CS

Education

SPONSOR(S): Quinones

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	8 Y, 0 N, w/CS	Hunt	Mizereck
2) Education Appropriations Committee			
3) Education Council			
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill addresses a number of issues related to K-12 education, including:

- Eliminating the requirement that preference for enrollment in special academic programs must be given to military-dependent students when a school has reached its maximum enrollment. Requirements such as class size and facility safety make implementation of this provision difficult for schools at maximum capacity.
- Removing charter schools from the definition of special academic programs so that they are no longer subject to the preference requirements for military-dependent students. Charter schools do not have the flexibility to move students to other schools or to similar programs. Accommodating military-dependent students may also conflict with charter school contractual obligations.
- Requiring the continued use of the SAT and ACT as alternative assessments to the grade 10 FCAT to meet graduation requirements for students who have attempted and failed the grade 10 FCAT three times. Use of the SAT and ACT as alternative assessments was approved for 2003-04 graduates, and continuing approval of the alternative assessments may result in more students qualifying for standard high school diplomas than otherwise would qualify.
- Clarifying that district school boards may require the attendance of low-performing students at extended-day remediation programs at the request of the school principal. Allowing schools to require attendance in such programs may result in more students receiving the supplemental academic services they need to achieve on grade level.

The bill takes effect on July 1, 2005.

The bill does not appear to have a fiscal impact on state or local governments.

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: Authorizes district school boards to require attendance at remediation programs held outside regular school hours.

Empower families: Provides alternatives to the Florida Comprehensive Assessment Test in order to earn a standard high school diploma, which may result in additional students graduating.

B. EFFECT OF PROPOSED CHANGES:

Dependent Children of Active Duty Military

In 2004, the Legislature passed CS/CS/SB 1604 that required that dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools be given first preference for admission to such programs. The provision was adopted as part of a package of changes designed to address quality of life issues for active duty personnel stationed in Florida and their families. There are approximately 35,000 military-associated students in Florida.¹

The preference is available even if the program is being offered through a public school other than the school to which the student would generally be assigned and the even if the school at which the program is being offered has reached its maximum enrollment. Special academic programs are defined to include charter schools, magnet schools, advanced studies programs, advanced placement, dual enrollment, and International Baccalaureate. In response to questions, the Department of Education (DOE) issued the following guidelines in a technical assistance paper:²

- Preference must be given to all dependent children of active military personnel, including those who had ample opportunity to meet application deadlines, not just to those who transferred into the district after application deadlines.
- If a student meets the eligibility for the program, he or she must be placed in the program. This does not mean that a student who is already in the program must be withdrawn to make room.

A number of concerns have been raised regarding implementation of the law:

- Despite the DOE guidance that the required admittance of the military-dependent student does not require the withdrawal of another student to make room, districts and schools face limitations on their enrollment, such as class size and facility safety constraints, that may require them to force a student to withdraw to make room for the military-dependent student.
- Charter schools face even greater challenges in implementing the law because:
 - Unlike district-run programs such as magnet schools, they do not have the flexibility to potentially shift non-military-dependent students into similar programs at other schools.
 - Charter schools are required by s.1002.33, F.S. to enter into a contractual agreement with the sponsor that addresses the major issues regarding the operation of the school. Many contracts require charter schools to determine admissions via lottery and specify an enrollment cap. Charter schools may be forced to violate their charters to comply with the law. Charter schools also face the facility constraints faced by other schools.

The bill eliminates the requirement that preference be given to military-dependent students when the school has reached its maximum enrollment. The bill also removes charter schools from the definition of special academic program so that they are no longer subject to the preference requirements.

¹ Senate Staff Analysis and Economic Impact Statement, CS/CS/CS/SB 1622.

² Florida Department of Education, *Technical Assistance Paper Related to 2004 Legislation Regarding Military-Dependent Students*. August 2004. Available at <http://sss.usf.edu/pdf/DPS05-025TAP.pdf>

Alternative Assessments for Grade 10 FCAT

The 2004 Legislature passed CS/SB 364 that required the Commissioner of Education to approve the use of the SAT and ACT tests as alternative assessments for the grade 10 FCAT for students graduating in 2003-04.³ Students graduating in 2003-04 were eligible to use the scores on an alternative assessment to meet graduation requirements only after failing to pass the grade 10 FCAT three times, with an exception for students new to the Florida public school system in grade 12. In 2003-04, 544 students were awarded a standard high school diploma using equivalent scores on the SAT or ACT to meet the graduation testing requirement.⁴ Equivalent scores approved for 2003-2004 graduates were as follows:⁵

READING		MATH	
FCAT	300	FCAT	300
SAT	410	SAT	370
ACT	15	ACT	15

Equivalent passing scores on the SAT and ACT were determined by a concordance study conducted by the Department of Education (DOE) in 2003. Section 1008.301, F.S. required the State Board of Education (SBE) to undertake a study to examine the PSAT, PLAN, SAT, ACT and College Placement Test for concordance with FCAT scores. Studies of each test were based on students who had taken the FCAT and had also taken one of the other standardized tests.⁶ In addition to requiring the study, s. 1008.301, F.S. authorizes the SBE to adopt equivalent scores to meet graduation requirements in lieu of the FCAT passing score and requires new equivalencies to be determined

The bill requires the continued use of the SAT and ACT as alternative assessments to the grade 10 FCAT to meet graduation requirements. In repealing 1008.301, F.S., the bill removes the authorization for the SBE to approve the use of the PSAT, PLAN, or College Placement Test as alternative assessments to meet graduation requirements.

Continuing the approval of the SAT and ACT as alternative assessments may result in more students being able to qualify for standard high school diplomas than otherwise would have been able to qualify.

Extended Day Remediation – Required Attendance

School districts throughout the state currently rely on a variety of programs to provide supplemental academic services and remedial instruction to low-performing students. Many districts use extended day programs outside of school hours – before or after school, or on the weekends – to provide remediation to the students who need additional assistance. Extended day programs can have a large positive impact on student performance, however it is unclear whether or not district school boards have the authority to require students to attend such programs.

The Bill clarifies that district school boards may require the attendance of low-performing students at such programs at the request of the school principal. Allowing schools to require attendance in extended day remediation programs may result in more students receiving the supplemental academic services they need to achieve on grade level.

³ Section 1008.22, F.S.

⁴ Florida Department of Education 2005 Legislative Bill Analysis, HB 379, February 18, 2005, at 4.

⁵ Memorandum from Jim Horne, Commissioner of Education, to District School Superintendents. May 13, 2004. Available at <http://info.fldoe.org/dscgi/ds.py/Get/File-2060/fcatscore.pdf>

⁶ Florida Department of Education, *Report of Concordance Studies*. June 17, 2003. Available at

<http://www.firn.edu/doe/evaluation/pdf/cstdoc.pdf>

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.05, F.S., to delete the requirement that dependent children of active duty military receive preference for admission to special academic programs even if maximum enrollment has been reached and to remove charter schools from the definition of special academic programs.

Section 2. Amends s. 1008.22, F.S., to require the use of the SAT and ACT as alternative assessments for the grade 10 FCAT for students who meet specified requirements.

Section 3. Amends s. 1008.25, F.S., to authorize district school boards to require low-performing students to attend remediation programs outside of regular school hours.

Section 4. Repeals s. 1008.301, F.S., relating to a concordance study of FCAT equivalencies for high school graduation.

Section 5. Provides an effective date of July 1, 2005.

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 government revenues.

2. Expenditures:

See fiscal comments.

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:

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or take any action requiring the expenditures of funds.

3. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The PreK-12 Committee proposed a committee substitute (PCS) for consideration at the April 12, 2005 meeting. The PCS was adopted and the bill was reported favorably with committee substitute (CS). This analysis is drawn to the CS, which differs from the bill as filed in that the CS:

- Removes the provision from the original bill that required the DOE conduct a concordance study to identify, and the Commissioner of Education to approve, alternative examinations for the grade 10 FCAT that exist for major non-English-speaking subgroups.
- Requires the continued use of the SAT and ACT as alternative assessments to the grade 10 FCAT for students who have attempted and failed the grade 10 FCAT three times, and for transfer students who enter in the twelfth grade.
- Eliminates the provision in current law that first preference for enrollment in special academic programs be given to military-dependent students even if a school has reached maximum enrollment and removes charter schools from the definition of special academic programs.
- Adds a provision that clarifies that district school boards may require the attendance of low-performing students at extended-day remediation programs.