

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 291 CS Florida School Recognition Program
SPONSOR(S): Bean and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 500

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	10 Y, 1 N, w/CS	Beagle	Mizereck
2) Education Appropriations Committee	10 Y, 2 N	Eggers	Hamon
3) Education Council	8 Y, 0 N, w/CS	Beagle	Cobb
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

House Bill 291 requires that each ungraded K-3 school be assigned the school grade of its feeder pattern school, as designated by the Department of Education (DOE) and verified by the school district. Under the provisions of the bill, K-3 feeder pattern schools would be eligible to participate in the Florida School Recognition Program and students served by these schools may become eligible for the Opportunity Scholarship Program.

The bill sets an effective date of July 1, 2006.

The bill will have a neutral fiscal impact. Please see FISCAL COMMENTS section.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility-- The bill enables previously ungraded K-3 schools to receive performance-based awards through the Florida School Recognition Program.

Empower Families-- The bill increases the number of schools that receive school grades, potentially increasing the number of students becoming eligible for Opportunity Scholarships.

B. EFFECT OF PROPOSED CHANGES:

The Florida School Recognition Program¹ provides financial awards to public schools as a reward for performance. Schools that maintain a grade of "A" or improve one letter grade receive an amount per student as determined in the General Appropriations Act. In Fiscal Year 2005-06, schools received \$100 per student for a total of \$134.1 million in School Recognition awards.

The Opportunity Scholarship Program² provides choice options to families of students assigned to or attending schools that have received a grade of "F" twice in a four year period. Families may remain at the "F" school, attend a "C" or higher performing school in the district, or attend a "C" or higher performing school in an adjacent district.

Currently, schools serving any combination of students in grades kindergarten through grade 3 do not receive a school grade because students in grades K-2 do not take the FCAT, and learning gains cannot be calculated with only grade 3 data. Ungraded K-3 schools are not eligible for the Florida School Recognition program. Likewise, students served by ungraded K-3 schools are not eligible for Opportunity Scholarships.

The bill requires that an ungraded K-3 school receive the school grade designation of its feeder pattern school if a feeder pattern can be designated by the DOE and verified by the school district. A feeder pattern exists if at least 60 percent of the students in the ungraded K-3 school progress to the graded school. This provision enables K-3 feeder pattern schools to receive a school grade designation and qualify for the Florida School Recognition Program. The bill also makes students served by these schools eligible to receive Opportunity Scholarships.

C. SECTION DIRECTORY:

Section 1: Amends s. 1008.34, F.S., providing school grades for certain K-3 schools.

Section 2: Amends s. 1002.38, F.S., allowing students served by certain K-3 schools to become eligible to participate in the Opportunity Scholarship Program.

Section 3: Amends s. 1008.36, F.S., allowing certain K-3 schools to become eligible to participate in the Florida School Recognition Program.

Section 4: Provides an effective date of July 1, 2006.

¹ Section 1008.36, F.S.

² Section 1002.38, F.S., also provides that a public school student's parent may request and receive from the state an opportunity scholarship for the student to enroll in and attend a private school; however, this provision of the Opportunity Scholarship Program has been held unconstitutional. Bush v. Holmes, ___ So. 2d. ___ (Fla. 2006), 31 Fla. L. Weekly S1, 31 Fla. Law Weekly S65. Also see: Constitutional Issues: Other.

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:

Please see the FISCALCOMMENTS section.

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:

Adding ungraded K-3 schools to the School Recognition Program will shift discretionary lottery dollars from school districts to school-based awards. Currently, 62% of graded elementary schools receive school recognition awards. There are presently 102 ungraded K-3 schools serving 12,404 K-3 students. The DOE estimates a potential fiscal impact of \$769,048 [12,404 students x 62% x \$100 = \$769,048].³

According to the DOE, there are currently no K-3 schools that would qualify for the Opportunity Scholarship Program under the provisions of this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

On January 5, 2006, the Florida Supreme Court ruled that a portion of the Opportunity Scholarship Program violates article IX, section 1(a) of the Florida Constitution.⁴ The narrowly tailored opinion

³ Florida Department of Education, 2006 Legislative Bill Analysis for HB 291, dated November, 18, 2005.

⁴ Section 1002.38, F.S., provides that a public school student's parent may request and receive from the state an opportunity scholarship for the student to enroll in and attend a private school; however, this provision of the Opportunity Scholarship Program has been held unconstitutional. *Bush v. Holmes*, ___ So. 2d. ___ (Fla. 2006), 31 Fla. L. Weekly S1, 31 Fla. Law Weekly S65. Also see: Constitutional Issues: Other.

addressed only the issue of whether the Florida Constitution prohibits the state from expending public funds to allow students to use an opportunity scholarship to obtain a private school education in kindergarten through grade twelve, as an alternative to public school education. Students in schools graded "F" twice in a four year period still have the option of attending a school graded "C" or higher in their own or a neighboring school district. The court held that "through the OSP the state is fostering plural, nonuniform systems of education in direct violation of the constitutional mandate for a uniform system of free public schools." The court's decision does not commence until the end of the 2005-06 school year.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 10, 2006, the PreK-12 Committee favorably reported House Bill 291 with a strike-all amendment. This bill analysis reflects the bill as amended.

On April 4, 2006, the Education Council favorably reported House Bill 291 with three amendments.

- Amendments one and three change terminology used in the bill from "feeder pattern school" to "K-3 feeder pattern school" to avoid confusion with other usages for the term "feeder pattern school".
- Amendment two amends s. 1002.38, F.S., to clarify that students served by K-3 feeder pattern schools may become eligible for public school choice options.

This bill analysis reflects the bill as amended.