

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Appropriations Committee

BILL: CS/CS/SB 772

INTRODUCER: Education Appropriations Committee, Children and Families Committee and Senator Constantine

SUBJECT: School Attendance

DATE: April 24, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/CS</u>
3.	<u>Armstrong</u>	<u>Newman</u>	<u>EA</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill clarifies that the method of determining district school superintendents' compensation established in s. 1001.47, F.S., applies to the compensation of elected superintendents only. School districts will pay the \$2,000-per-year special qualification salary for elected superintendents. The Department of Education (DOE) will pay the annual performance salary incentives in an amount between \$3,000 and \$7,500 for elected superintendents.

The bill amends s. 1001.50, F.S., to clarify that district school superintendents who are appointed by school boards may participate in the courses of continuing professional education provided in the special qualification certification program under s. 1001.47(4), F.S., and the leadership development and performance compensation program under s. 1001.47(5), F.S. The district school board may use participation in the programs as a factor in determining the amount of compensation to be paid.

The bill revises several requirements in law related to student attendance. District school boards may establish policies relating to unexcused absences and referral of a child to a school's child study team. The bill also provides for the following:

- Requires a 16-year-old student who has not graduated to stay in school until a declaration of intent is filed with the district school board;
- Requires a student to complete an exit interview and a survey if the student intends to terminate school enrollment;
- Requires a student's guidance counselor to conduct the exit interview and inform the student of other educational opportunities;

- Revises the interventions that the child study team must use following a meeting with the student's parent and allows the child study team to implement other interventions; and
- Allows rather than requires a designated school representative to visit a student's residence or other place the student may be found when the student is not enrolled in school or has an unexcused absence.

The bill changes the name of the Florida Business and Education in School Together (Florida Best) Program to A Business-Community (ABC) School Program, which provides for partnerships between business and education. The bill provides additional legislative intent for the program and requires school districts to provide the DOE with specific information. The duties of the evaluation committee are expanded to include quarterly meetings, annual reports to the school board and superintendent, strategic marketing plans, technical assistance to businesses, and proposal evaluation criteria.

This bill amends sections 1001.47, 1001.50, 1003.02, 1003.21, 1003.26, 1013.502, and 1013.501 is transferred and renumbered as s.1013.721, Florida Statutes.

II. Present Situation:

Election and Appointment of District School Superintendents

Under Article IX, Section 5, of the State Constitution, each school district must have a superintendent of schools. The district school superintendent must be elected at the general election unless the district school board adopts a resolution or the voters approve a special law to require the school board to employ a superintendent.

Superintendents are elected in 43 school districts.¹ Superintendents are appointed in the following 24 school districts: Alachua, Brevard, Broward, Charlotte, Collier, Duval, Flagler, Hernando, Hillsborough, Indian River, Lee, Manatee, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, St. Johns, St. Lucie, Sarasota, Seminole, and Volusia.²

Compensation of Elected District School Superintendents

The compensation of elected district school superintendents is governed by s. 1001.47, F.S., which establishes a population-based salary formula. However, a district school board, by majority vote, may approve a salary in excess of the amount specified by the formula.

*The primary determinants of an elected school superintendent's formula-based salary are: 1) the countywide population; 2) the annual factor, a measure of the average percentage increase in salaries of state career service employees for the current fiscal year, or seven percent, whichever is less; and 3) the cumulative annual factor, a measure reflecting the product of all previously-certified annual factors.*³

¹ Florida Legislative Committee on Intergovernmental Relations. "Compensation of Florida's School Superintendents." January 2006. p. 1.

² Florida Association of District School Superintendents. <http://www.fadss.org/>

³ Florida Legislative Committee on Intergovernmental Relations. "Compensation of Florida's School Superintendents", January 2006.

Compensation of Appointed District School Superintendents

Appointed district school superintendents are compensated according to the provisions of s. 1001.50, F.S. The school district must pay the appointed school superintendent a reasonable annual salary and must take into account the following factors in determining the compensation to be paid:

- The population of the school district;
- The rate and character of population growth;
- The size and composition of the student body to be served;
- The geographic extent of the district;
- The number and character of the schools to be supervised; and
- The individual's educational qualifications and professional experience.

Special Qualification Salary and Leadership Development and Performance Compensation

Section 1001.47(5), F.S., authorizes a special qualification salary of up to \$2,000 per year for each district school superintendent who has met the certification requirements established by the DOE. The superintendent must annually complete a course of continuing education, prescribed by the department, to remain certified.

Section 1001.47(6), F.S., authorizes the department to provide a leadership development and performance compensation program for district school superintendents, comparable to chief executive officer development programs for corporate executive officers. The program consists of two phases: a content, knowledge, and skills phase; and a competency acquisition phase. Upon successful completion of both phases and demonstrated successful performance, the school superintendent is issued a Chief Executive Officer Leadership Development Certificate and is given an annual performance salary incentive in an amount between \$3,000 and \$7,500 based upon his or her performance evaluation.

The law does not specify whether the DOE or the school district pays the special qualification salary and the annual performance salary incentive for elected superintendents. According to the Florida Association of District School Superintendents (FADSS), school districts pay the \$2,000 special qualification salary and the department pays the annual performance salary incentive.

The training for the certification programs is conducted by FADSS via a contract administered by the DOE and funded by an annual legislative appropriation of \$290,400. The association offers these training programs to both appointed and elected school superintendents.⁴

The training program expenses associated with the special qualification salary are paid by FADSS, while the superintendents' travel expenses are paid by the individual school districts. However, both the training program expenses and superintendents' travel expenses, associated with the leadership development and performance compensation program, are paid by FADSS.⁵

⁴ *Ibid.*

⁵ *Ibid.*

Legislative Committee on Intergovernmental Relations Interim Project

During the 2005-2006 interim, the Legislative Committee on Intergovernmental Relations conducted an interim project on district school superintendents' compensation that addressed a lack of statutory authorization for appointed superintendents' participation in the certification programs. The report found that:

*The statutory authorization for participation by appointed school superintendents in the Special Qualification Salary and the Leadership Development and Performance Compensation Program is ambiguous and requires clarification.*⁶

The report presented the following policy option concerning participation of appointed superintendents in the certification programs:

*The Legislature should consider amending Part II of Chapter 1001, F.S., to remove any ambiguity regarding the participation by appointed school superintendents in the supplemental training programs.*⁷

Compulsory Attendance

Under s. 1003.21, F.S., children between the ages of six and 16 years of age must attend school regularly. This section provides that a student over the age of 16 is not subject to compulsory school attendance laws if the student files a declaration with the district school board acknowledging that terminating school enrollment is likely to reduce the student's earning potential. This declaration must be signed by both the student and the student's parent.

Only one school board, the Manatee County District School Board, is required to establish mandatory attendance beyond age 16. Under s. 1003.61, F.S., the Manatee County School Board is required to implement a pilot attendance project that increases the age of compulsory attendance for students from the age of 16 years to 18 years. Section 1003.61(3), F.S. provides that the ability to "opt out" of compulsory school attendance after the age of 16 by filing a declaration pursuant to s. 1003.21, F.S., is not available to students participating in the Manatee pilot project. This pilot program was required by the 1999 Legislature, and the law required the district school board to report its findings to the Governor, Commissioner of Education, and Legislative leaders each year.

Prior to the start of the pilot attendance project, Manatee County's dropout rate was 7.4 percent. After one year of the pilot program, that rate was 6.3 percent. At the end of the fifth year the rate was 2.5 percent. The district's graduation rate was 56.2 percent the year before the program and was 81.5 percent after five years of the program. The district reports that before the pilot program, 20 percent of the district's dropouts were 16 or 17 years old. By the end of the 2003-2004 school year, only five percent of dropouts were in that age group. According to the district and the Department of Education, implementation of the pilot program required additional

⁶ *Ibid.*

⁷ *Ibid.*

truancy and retrieval activities, alternative education programs, and comprehensive truancy programs involving the court system and local law enforcement. According to the DOE, the district budgeted more than \$600,000 for continued implementation of the pilot in 2002-2003.

Each state requires students to attend school until they earn a high school diploma or the equivalent, or until they reach 16, 17, or 18 years of age. Three states, Arizona, Vermont and Wyoming, in addition to a maximum compulsory school age of 16 years, also allow termination of school enrollment upon completion of the 10th grade. According to a 2005 report from the Education Commission of the States (ECS), 17 states have a compulsory school attendance age of 18; nine states have compulsory attendance age established at 17, and 28 states have a compulsory attendance age of 16.⁸

Attendance Policies

Under s. 1003.26, F.S., a district school board must require each parent of a student to justify each absence of the student, and the justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. A school must make a timely response to every unexcused absence. School districts are required to implement activities ranging from early intervention to enforcement in response to students demonstrating patterns of nonattendance. If a parent ignores school attendance requirements, the school district superintendent may file a truancy petition on behalf of the child and/or against the parent for failing to comply with the compulsory school attendance law.

According to the Florida Department of Education, the Florida Education Training Placement and Information Program (FETPIP) data analysis of former students (graduates and dropouts) reveals that students who graduate are more likely to find employment, have higher incomes, continue their education, and have less reliance on public assistance than those who drop out. Improving the graduation rate has a direct economic impact on the state, since dropping out of school leads to loss of gainful employment and tax revenue.⁹

A Business –Community (ABC) School Program

Chapter 2003-391, L.O.F., created the Florida Business and Education in School Together (Florida BEST) Program to encourage businesses to house public schools in a business facility.¹⁰ These business and education partnership schools serve students in grades K through 3 and are subject to the constitutional class size requirements. A committee, appointed by the school board and composed of local business representatives and a school board official, evaluates proposals submitted by area businesses and makes recommendations to the school board for official action.

District school boards must provide instructional support and administrative staff to these schools, as well as textbooks, materials and supplies. Host businesses primarily provide the school facility. The law also allows for multiyear contracts and leases between the school district and the host business.

⁸ <http://www.ecs.org/clearinghouse/64/07/6407.htm>

⁹ <http://www.firn.edu/doe/fetpip/>

¹⁰ s. 1013.501, F.S.

Facilities constructed to house a Florida BEST school are subject to the State Uniform Building Code for Public Educational Facilities Construction, as well as state and local health, environmental, and safety laws and codes. Current law provides an exemption from local ordinances and regulations for a business that houses a Florida BEST school to expand the square footage or floor area of its current or proposed facility.¹¹

In 2004, the Senate Education Committee staff surveyed the school districts about the implementation of the Florida BEST program. Responses were received from 37 districts or approximately 55 percent of the districts. Miami-Dade County School District indicated that it had schools operating within the district that are similar to the Florida BEST program schools.

III. **Effect of Proposed Changes:**

The bill clarifies that the method of determining compensation established in s. 1001.47, F.S., applies to the compensation of elected superintendents only. The extra \$2,000 per year special qualification salary will be paid by district school boards. The Department of Education will pay the annual performance salary incentives in an amount between \$3,000 and \$7,500, which is paid to elected district school superintendents who complete the leadership development and performance compensation program.

The bill amends s. 1001.50, F.S., to clarify that superintendents who are appointed by school boards may participate in the courses of continuing professional education provided in the special qualification certification program under s. 1001.47(4), F.S., and the leadership development and performance compensation program under s. 1001.47(5), F.S. Upon successful completion of the certification requirements for one or both of these programs, the district school board may use the certification or certifications as a factor in determining the amount of compensation to be paid.

The bill allows district school boards to establish policies that allow accumulated unexcused tardies and early departure from school to be recorded as unexcused absences. It also authorizes school boards to establish policies to require referral of a child to a school's child study team for fewer than 5 absences.

The bill requires a 16-year-old student who has not graduated to stay in school until a declaration of intent is filed with the district school board. A student's guidance counselor must conduct an exit interview and inform the student of other educational opportunities, including adult education and GED test preparation. The bill also requires the student to complete an exit interview and a survey if the student intends to terminate school enrollment.

The bill revises the interventions that the child study team must use if an initial meeting with the student's parent does not resolve attendance problems. The child study team may implement other interventions, including referral to other agencies for family services or recommendations for filing a truancy petition as provided for in s. 984.151, F.S. The bill allows rather than requires

¹¹ s. 1013.502, F.S.

a designated school representative to visit a student's residence or other place the student may be found when the student is not enrolled in school or has an unexcused absence.

The bill provides that it is state policy for law enforcement agencies to support the enforcement of student attendance.

This bill transfers and renumbers s. 1013.501, F.S., as s. 1013.721, F.S., and amends this section to change the name of the Florida Business and Education in School Together (Florida BEST) Program to A Business-Community (ABC) School Program. An additional purpose of the program is to employ due diligence and sound business practices for using available educational space. School districts must submit evidence of compliance with public notice requirements about the program to the DOE. Districts must also provide the DOE with contact information about the ABC evaluation committee members and designate a district employee as a liaison for the program. While the bill requires school districts to designate a district employee to serve as a liaison to the program, it does not specify any particular duties for this employee. The duties of the evaluation committee are expanded to include quarterly meetings, annual reports to the school board and superintendent, strategic marketing plans, technical assistance to businesses, and proposal evaluation criteria.

The bill will take effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector impact is indeterminate, but most likely positive. To the extent that individuals who might have dropped out of school instead earn a diploma and become employed, they will make a more significant contribution to the economy.

To the extent that the ABC evaluation committee members from the private sector volunteer their expertise and services to perform the new duties specified in the bill, there should be no fiscal impact.

C. Government Sector Impact:

The bill codifies existing practice. The Department of Education would be required to pay \$3,000 to \$7,500 to each elected superintendent earning the Chief Executive Officer Leadership Development Certificate. If all 43 elected district superintendents successfully complete the requirements, the state expenditure would range from \$129,000 to \$322,500. Eligibility for elected superintendents to annually receive the salary performance incentive from the state would depend on continued performance assessment and follow up training prescribed by the Department of Education.

The 2006-07 legislative budget request of the Department of Education asks for \$350,000 to provide the salary performance incentive to superintendents who have acquired the Chief Executive Officer Leadership Development Certificate.

School districts will be required to pay the \$2,000-per-year special qualification salary for elected superintendents.

A district school board could use the certifications for either or both of the programs, special qualification or leadership development and performance, in determining the amount of compensation to be paid an appointed superintendent.

The bill allows rather than requires a designated school representative to visit a student's residence or other place the student may be found when the student is not enrolled in school or has an unexcused absence, so there may be a reduction in school district cost.

While the bill requires school districts to designate a district employee to serve as a liaison to the ABC program, it does not require the employment of an additional employee, so there should be no additional cost.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
