

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – The bill’s creation of the Governor’s School for Science and Technology (school) expands the responsibilities of the Florida Virtual School and will require additional employees. The bill also creates a 13-member advisory council.

Empower Families – The bill provides parents of eligible students, who excel or demonstrate an interest in the areas of math, science, or technology, with an additional educational opportunity via its creation of the school.

Safeguard Individual Liberty – The bill maintains parental choice by providing parents of eligible students, who excel or demonstrate an interest in the areas of math, science, or technology, with an additional educational opportunity via its creation of the school.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Specialized Schools: School districts nationwide operate specialized mathematics, science, engineering, and technology programs and schools. For example, Project Lead the Way, a high school engineering program designed to prepare student for postsecondary engineering programs, has been implemented in high schools across the country. Forty Florida high schools currently offer this program.¹ The National Consortium of Specialized Secondary Schools of Mathematics, Science, and Technology lists 97 specialized math and science schools among its nationwide membership. There are three such schools in Florida.² Additionally, numerous Florida magnet schools offer curriculums focused on math, science, and/or technology

Currently, Florida does not have a statewide, residential public high school specializing in math, science, and/or technology.

U.S. Student Performance in International Assessments of Math and Science: International assessments allow educators and policy makers to compare the overall performance of U.S. students with those in other countries. U.S. students participate in the following two international assessments for mathematics and science performance:

- The Trends in International Mathematics and Science Study (TIMMS) -- a mathematics and science assessment, which has been conducted every four years since 1995 for students in grades four and eight.³
- The Program for International Student Assessment (PISA) -- a reading, mathematics, and science assessment, which has been conducted every three years since 2000 for fifteen year old students.⁴

Data from the 2003 TIMMS for math performance indicates that U.S. fourth graders ranked 12th out of 24 countries in math and that U.S. eighth graders ranked 15th out of 45 countries. Data from the 2003 PISA for math performance indicates that U.S. 15 year olds ranked 26th out of 39 countries.⁵

¹ Project Lead the Way, Network of Schools *available at* <http://www.pltw.org/schoollist.asp?toSelect=FL>.

² The National Consortium of Specialized Secondary Schools of Mathematics, Science, and Technology, Institutional Members *available at* <http://www.ncsssmst.org/institutionalmembers.aspx>.

³ TIMMS and PIRLS Study Center, Lynch School of Education, Boston College, *available at* <http://timss.bc.edu/timss2003.html>.

⁴ U.S. Department of Education, National Center for Education Statistics, International Comparisons in Education: Program for International Assessment (PISA), *available at* <http://nces.ed.gov/surveys/pisa/>.

U.S. Mathematics Performance on International Assessments relative to other Countries in 2003.⁶				
Grade or Age	Number of Countries (total excludes the U.S.)	Score Significantly Higher than U.S.	Score Not Significantly Different than U.S.	Score Significantly Lower than U.S.
4 th Graders	24	11	0	13
8 th Graders	44	9	10	25
15 Year Olds	38	23	4	11

Data from the 2003 TIMSS for science performance indicates that U.S. fourth graders ranked sixth out of 25 countries and that U.S. eighth graders ranked ninth out of 45 countries. Data from the 2003 PISA for science performance indicates that U.S. 15 year olds ranked 22nd out of 39 countries.⁷

U.S. Science Performance on International Assessments relative to other Countries in 2003.⁸				
Grade or Age	Number of Countries (total excludes the U.S.)	Score Significantly Higher than U.S.	Score Not Significantly Different than U.S.	Score Significantly Lower than U.S.
4 th Graders	24	3	5	16
8 th Graders	44	7	5	32
15 Year Olds	38	18	9	11

The Florida Virtual School: In 1997, the Florida Legislature funded a grant-based pilot project to create Florida's first Internet-based, public high school. This high school was codified by the Legislature in 2000 at s. 228.082, F.S.,⁹ and named the Florida Virtual School (FLVS).

The FLVS is a component of the delivery of public education within Florida's K-20 education system¹⁰ and is administratively housed within the Commissioner of Education's Office of Technology and Information Services in the Department of Education. The Commissioner is required to monitor the FLVS's performance and to report on its performance to the State Board of Education (SBE) and the Legislature.¹¹

The FLVS is governed by a seven-member Board of Trustees, which is authorized to create rules and procedures for the FLVS, enter into agreements with distance learning providers, and acquire, enjoy, use, and dispose of patents, trademarks, copyrights, licenses. The Board of Trustees is required to administer personnel programs in accordance with rules of the SBE and is permitted to adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

⁵ U.S. Department of Education, National Center for Education Statistics, U.S. Student Performance on International Assessments of Educational Achievement, NCEs 2006-073 (June 2006), available at <http://nces.ed.gov/pubs2006/2006073.pdf>.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Recodified at s. 1002.37, F.S.

¹⁰ Section 1000.04(4), F.S.

¹¹ Section 1002.37(1), F.S.

Funding for the FLVS is through the Florida Education Finance Program (FEFP) and an independent certified public accountant must annually audit the FLVS. The Board of Trustees for the FLVS must submit an annual report to the Governor, Commissioner of Education, SBE, and Legislature on its operations and accomplishments, marketing plan, and assets and liabilities.

Effect of Bill

House Bill 1371 creates the Governor's School for Science and Technology (school) for Florida students statewide in grades nine through 12. The school is designated as a component of the delivery of public education within Florida's K-20 education system and is to be managed and controlled by the FLVS.

The school is to be located in Brevard County in an area where connections with the Kennedy Space Center may be readily established. The school's mission is to provide students in grades nine through 12 with advanced educational opportunities in the areas of science, math, and technology in order to gain the knowledge and skills necessary to succeed in those areas.

In order to facilitate innovative practices at the school, the bill exempts the school from each requirement of the Florida School Code relating to curriculum and operations, unless the requirement relates to civil rights or student health, safety, and welfare. The bill provides that the school is subject to the public records requirements of ch. 119, F.S., and the public meetings requirements of s. 286.011, F.S.

Classes are to begin in the 2009-2010 academic year and students are to reside on the school's premises. Admission to the school is a privilege, not a right, and may only be granted to selected, qualified students. The school is to offer: (a) accelerated programs in the areas of math, science, and technology to qualified students in grades nine through 12; and (b) summer programs for elementary, middle, or high school teachers.

The FLVS is required to:

- Appoint a director; and
- Adopt rules that specify:
 - The school's requirements and standards for admission, which must provide priority for students who excel or demonstrate an interest in the areas of math, science, or technology and which may include consideration of test scores or favorable faculty recommendations.
 - The number of students that may be enrolled given available resources.
 - The procedures for application to the school and for appealing an admission decision. The procedures must provide adequate standards for due process.
 - The procedures for the school's operation so as to maximize achievement of its mission.

The bill also establishes an advisory council to provide the FLVS with insight, expertise, and recommendations for the development and implementation of a plan for the school. Appointments to the council are to be made by the FLVS's Board of Trustees and are to be for five-year terms, except that the initial terms are to be staggered; i.e., five members are to be appointed for three-year terms, four members are to be appointed for four-year terms, and four members are to be appointed for five-year terms. Further, the bill provides that:

- The council must meet at least once each quarter.
- Absence by a council member for three consecutive meetings results in the termination of his or her membership.
- Council vacancies are to be filled for the remainder of the unexpired term.
- No member of the council may serve more than two consecutive terms.
- A majority of members of the council constitutes a quorum.

- Members of the council may not receive compensation, but shall receive per diem and travel expenses in accordance with s. 112.061, F.S.

Appointments to the council are to consist of the following 13 representatives: (1) one member representing the Technological Research and Development Authority; (2) two members representing the Sunshine State Scholars Recognition Program; (3) one member representing the Florida Institute of Technology; (4) one member representing the Department of Education; (5) two members representing the Florida Center for Mathematics and Science Education Research; (6) one member representing the Embry-Riddle Aeronautical University; (7) one member representing the University of Central Florida; (8) one member representing the University of Florida; (9) one member representing the National Aeronautics and Space Administration; and (10) two members representing the faculty of the Florida Virtual School.

The FLVS is designated as the fiscal agent for the school and is required to annually prepare a legislative budget request for the school. Funding for the costs of room, board, and transportation for students who attend the school is to be as authorized in the General Appropriations Act. Further, the bill states that other funding for the school is to be provided by:

- Appropriations from the Legislature or a state agency;
- Donations from private entities; and
- Moneys generated through the Florida Education Finance Program (FEFP) or a categorical fund based on student enrollment in the school.

FEFP funding is to be generated for each student attending the school in the same manner and amount that such moneys would be provided to a district school board for the enrollment of the student in a public school.

The bill takes effect on July 1, 2007.

C. SECTION DIRECTORY:

Section 1.: Creates s. 1002.371, F.S.; establishes the Governor's School for Science and Technology (school) for Florida students in grades nine through 12 and for teachers; requires classes at the school to begin in the 2009-2010 academic year; provides for management and control of the school by the FLVS; specifies FLVS responsibilities for managing the school; requires the FLVS to adopt rules; establishes an advisory council; and provides funding.

Section 2.: Amends s. 1000.04, F.S.; specifies that the school is a component of the delivery of public education within Florida's K-20 education system.

Section 3.: Amends s. 1002.20, F.S.; provides that the school is a public school choice option.

Section 4.: Amends s. 1003.02, F.S.; requires parents of high school students to be notified at the beginning of each school year of the opportunity and benefits of the school.

Section 5.: Provides an appropriation.

Section 6.: Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

The bill provides an appropriation of \$1 million from the General Revenue Fund to the Florida Virtual School (FLVS). The appropriation specifies that its purpose is to fund salaries and other administrative expenses necessary to develop a plan, secure facilities, develop the sequence of courses for each grade level, and undertake other activities necessary to commence operation of the Governor's School for Science and Technology (school) in the 2009-2010 academic year.

The fiscal impact that will be generated when the school begins offering classes in the 2009-2010 academic year is indeterminate. The bill provides that funding for the costs of room, board, and transportation for students who attend the school is to be as authorized in the General Appropriations Act. Further, the bill states that other funding for the school is to be:

- Provided by state agency or legislative appropriation;
- Donations from private entities; and
- Moneys generated through the Florida Education Finance Program (FEFP) or a categorical fund based on student enrollment in the school.

FEFP funding is to be generated for each student attending the school in the same manner and amount that such moneys would be provided to a district school board for the enrollment of the student in a public school.

The bill does not specify the number of students who may enroll in the school; rather, the bill provides that this number is to be set forth in rule adopted by the FLVS based on available resources. As a result, the amount of FEFP funding that may be generated cannot be projected.

As of the date of this analysis, a fiscal analysis for this bill has not been received from the Department of Education.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have an economic impact on the private sector.

D. FISCAL COMMENTS:

Please see FISCAL IMPACT ON STATE GOVERNMENT *supra*.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

2. Other:

Section 1, Article IX of the State Constitution provides that the State Board of Education (SBE) shall have supervision of the system of free public education as is provided by law and shall appoint the Commissioner of Education. Section 1003.03(2)(a), F.S., provides that the SBE, "... shall oversee the enforcement of all laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results." Further, s. 1003.03(2)(c), F.S., provides that the Commissioner of Education shall serve as the chief executive officer of the K-20 education system and shall be responsible for enforcing compliance with the mission and goals of the K-20 education system.

To facilitate the above described constitutional and statutory oversight and enforcement requirements, statute creating the Florida Virtual School (FLVS) requires the Commissioner to monitor the FLVS's performance and to report on its performance to the SBE and the Legislature.¹² Consideration might be given to amending the bill to include similar requirements for the Commissioner with regard to the Governor's School for Science and Technology (school).

B. RULE-MAKING AUTHORITY:

The bill authorizes the FLVS, as the managing authority of the school, to adopt rules for the school's admission standards and requirements, enrollment capacity, application and appeal procedures, and operation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill presents a number of issues that may warrant clarification. These include:

- Specifying the types of summer programs that are to be offered by the school for teachers, the admission procedures and funding mechanisms for these programs, and if the programs are residential.
- Identifying the entity responsible for appointments to the council in the event of a vacancy, the vote required for the advisory council to take action, and the council's duties once the school begins operation.
- Identifying the supervisory authority of the State Board of Education and the responsibilities of the Commissioner of Education. Please see CONSTITUTIONAL ISSUES, *supra*.
- Providing for an accountability system that measures student performance and the school's achievement of its mission.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

¹² Section 1002.37(1)(a), F.S.