

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, a minor is eligible for driving privileges if the minor is enrolled in a public school, nonpublic school, home education program, a study course in preparation for the Test of General Educational Development, or enrolled in other educational activities approved by the district school board, and satisfies relevant attendance requirements; or has been issued a certificate of exemption according to s. 1003.21(3), F.S.; or has received a hardship waiver under s. 322.091 F.S.; or has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion.¹

Public school principals or their designees are currently required to report to the district school board each minor student under its jurisdiction that acquires 15 unexcused absences in a 90 calendar day period of time. District school superintendents are required to report to the Department of Highway Safety and Motor Vehicles (DHSMV) the names, birthdates, gender, and social security numbers of such minors. The DHSMV is prohibited from issuing a driver's license or a learner's driver's license to, and is required to suspend any previously issue driver's license or learner's driver's license of, of such minor student.²

The Department of Education (DOE) reports that the DHSMV and DOE collaboratively developed the procedures for notification which are administered jointly by the DHSMV and DOE. Districts electronically submit identifying data of students who meet reporting criteria to the DHSMV. In turn, the DHSMV notifies the student and student's parents that the student has been reported and what steps are required for the minor to either reinstate driving privileges or become compliant with attendance requirements. During the 2005-06 school year, the DHSMV issued 43,901 notices of intent to suspend or notices to withhold driving privileges for non-compliance with attendance requirements. Currently, if students are not in violation of attendance requirements, they are not reported to the DHSMV and do not need proof of compliance with school attendance requirements for issuance or renewal of a driver license.³

Currently, state compulsory school attendance laws allow a student the right to terminate school enrollment with parent permission at 16 years of age. The declaration must acknowledge that leaving school will likely reduce the student's earning potential and must be signed by the student and the parent. The school district must notify the child's parent or legal guardian that a declaration of intent to leave school has been filed in accordance with state law.⁴

School guidance counselors are required to conduct an exit interview with such student to determine the reasons for the student's decision to terminate school enrollment and the actions that could be taken to keep the student in school. The student is also required to be informed of opportunities to continue his or her education in a different setting, including adult education and GED test preparation; complete a survey, in a format prescribed by the DOE, to provide data on the student's reasons for terminating enrollment and the actions taken by schools to keep students enrolled.

¹ s. 322.091, F.S.

² s. 1003.27(2)(b), F.S.

³ Department of Education, 2007 Legislative Bill Analysis for HB 277.

⁴ ss. 1002.20 & 1003.21, F.S.

The DOE reports that existing state collaborative initiatives that support and enforce school attendance, such as the driver's license program with the Department of Highway Safety and Motor Vehicles⁵ and The Learnfare Program with the Department of Children and Families,⁶ specify eligible minors as youths who have not yet attained the age of 18 years.⁷

The 1999 Legislature created the Manatee pilot attendance project requiring Manatee County School Board to implement a pilot project to raise compulsory school attendance age from 16 to 18 years of age. The pilot is a collaborative effort between the school district, local law enforcement agencies, and the judiciary.⁸

The DOE reports that during the 2005-06 school year, Manatee County experienced the first decline in a growing graduation rate and the first rise in its dropout rate since 1998. School district review indicates a large increase in the number of non-graduating seniors as the reason for this change. As a result the district's graduation rate dropped from 81.5 % to 76.9 %, however, Manatee County remains substantially above the state graduation average of 71%. Cost has remained an issue, since the pilot project was mandated with no additional appropriation. Manatee County reports that the longevity of the program has generated more FTE funding and, therefore, has strengthened the program over time and afforded funding for additional staff/truancy functions. Other costs are primarily associated with legal and judicial expenses and related paperwork.⁹

The Education Commission of the States (ECS), in an August 2006 update, reports that a number of states permit students to be released from compulsory attendance requirements upon graduation of high school, regardless of their age. Arizona, Vermont, and Wyoming all exempt students from compulsory attendance requirements upon completion of the 10th grade. Five states – Virginia, South Dakota, Nevada, Maryland and Connecticut – allow the minimum compulsory age to be extended by at least one year if the parent(s) obtain a waiver from their assigned school. Nearly half of all states allow children ranging from age 14 to 18 to be exempt from the compulsory attendance requirement if they meet one or more of the following stipulations: are employed, have passed the 8th grade level, have their parents' permission, have the permission of the district court or the local school board, meet the requirements for an exit interview, or have arranged alternative education such as vocational or technical school.¹⁰

Currently, public school districts must establish a comprehensive program for student progression which must include specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.¹¹

Current law specifies the establishment of a college reach-out program to increase the number of low-income educationally disadvantaged students in grades 6-12 who, upon high school graduation, are admitted to and successfully complete postsecondary education. Participants should be students who otherwise would be unlikely to seek admission to a community college, state university, or independent postsecondary institution without special support and recruitment efforts. The College Reach-Out Program (CROP) connects low-income and educationally disadvantaged middle and high school students with community colleges and four-year institutions. Programs vary across the state, but all attempt to motivate and prepare students who might not otherwise go on to college.¹²

The Federal TRIO Programs were established by the 1965 Higher Education Act and amended to provide counseling, basic skills development, tutoring, and information about college admissions and financial aid to low income, disabled, and first-generation college students. All TRIO Programs are

⁵ s. 322.091, F.S.

⁶ s. 414.1251, F.S.

⁷ Department of Education, 2007 Legislative Bill Analysis for HB 277.

⁸ s. 1003.61, F.S.

⁹ Department of Education, 2007 Legislative Bill Analysis for HB 277.

¹⁰ <http://www.ecs.org/ecsmain.asp?page=/html/educationIssues/ECSSStateNotes.asp>

¹¹ s. 1008.25, F.S.

¹² s. 1007.34, F.S.

designed to increase the number of underrepresented individuals earning postsecondary educational degrees. The target populations and the services vary with each program. Collectively, the programs provide services for students from grade six through the terminal degree. Full details about TRIO programs are available at: <http://www.ed.gov/offices/OPE/HEP/trio/> or www.coenet.us.

- Educational Opportunity Centers (Central Florida Community College, Pensacola Junior College) provide assistance in selecting a career, choosing an appropriate educational program, applying to a postsecondary institution, and completing financial aid applications. This program usually serves adults who desire to pursue postsecondary education.
- Educational Talent Search (Aspira of Florida, Inc., Bethune-Cookman College, Chipola College, Florida A&M University, Lake-Sumter Community College, Pensacola Junior College, Polk Community College, Rollins College, Santa Fe Community College) offers assistance to those who want to continue their educational or vocational training. The services provided are individual counseling, exploration of careers, assistance in admission to college or vocational-technical schools, and assistance in obtaining financial aid. Middle school components may offer Saturday on-campus sessions or after-school tutoring and career planning. In-school clients range from grade 6 through 12; out-of-school clients include those who have completed high school or equivalency programs, veterans, and persons who left school or postsecondary education before graduating.
- Ronald E. McNair Post-Baccalaureate Programs prepare low-income, first-generation college students and students from groups underrepresented in graduate education for doctoral study. Activities include career and personal counseling, mentoring, courses in research and analytical skills, and research internships. Participants are assisted with graduate school admissions processing and in securing financial support for graduate studies. Target students are those currently enrolled in postsecondary education who have completed at least their sophomore year. Eligible students receive stipends of approximately \$2,800 during the research phase.
- Student Support Services provide retention and academic support services to students enrolled in host colleges and universities from the freshman year through graduation. Follow-up services and graduate school admissions assistance are provided to upper classmen. Program participants receive career, academic, and personal counseling and are eligible for supplemental financial aid. Depending on the program design, early orientation sessions, credit-earning student development courses, academic support laboratories, and tutoring may be available on host college campuses.
- Upward Bound Programs consist of three types: Classic (available at many colleges; see contact list below), Veteran's (Miami-Dade College), and Regional Centers for Math and Science (Florida A&M University). The purpose of the Upward Bound Programs is to increase the number of students from low-income/first generation college backgrounds who enter postsecondary education. The Classic Upward Bound Program provides high school students with academic skill building, counseling, and career planning activities in a model that includes an academic year program and a summer on-campus residential program. Continuous contact is provided from grade nine through high school graduation. The Veteran's Upward Bound Program targets veterans and provides services similar to that of the Classic Upward Bound Program. Upward Bound Regional Centers for Math and Science offers some academic year activities; the major activity consists of summer residential programs that are designed to identify and motivate students to pursue postsecondary degree programs in the areas of mathematics and science. Regional Centers draw students from a large geographical area (the Florida Center at Florida A&M University recruits from eight southeastern states).

Current law requires that the general requirements for middle grades promotion include:

- One course in career and education planning to be completed in 7th or 8th grade. The course may be taught by any member of the instructional staff; must include career exploration using CHOICES for the 21st Century or a comparable cost-effective program; must include educational planning using the online student advising system known as Florida Academic Counseling and Tracking for Students at the Internet website FACTS.org; and shall result in the completion of a personalized academic and career plan.
- For each year a student scores at Level I on FCAT Reading, the student must be enrolled in and complete an intensive reading course the following year. Placement of Level 2 readers in either an intensive reading course or a content area course in which reading strategies are delivered shall be determined by diagnosis of reading needs.
- For each year a student scores at Level 1 or Level 2 on FCAT Mathematics, the student must receive remediation the following year, which may be integrated into the student's required mathematics course.

Effects of Proposed Changes

The bill prohibits the DHSMV from issuing or renewing the driver license or learner's permit to any student who does not provide proof of regular school attendance, pursuant to chapter 1003. According to the DOE, public schools, nonpublic schools, and district home education offices would need to revise and expand current policy to include procedures and related training for providing proof of attendance compliance for all students wishing to acquire a learner's permit, a driver license or renewal of either. Also, a determination of acceptable proof of compliance with attendance requirements would need to be established.¹³

The bill revises the compulsory school attendance age from 16 to 18 years, and revises the age at which a student has the right to file a formal declaration of intent to terminate school enrollment from 16 to 18 years. It also revises the requirement that the DOE ensure that district school boards notify students in juvenile justice residential or nonresidential facilities, who attain the age of 18, of the provision of law regarding compulsory attendance. According to the DOE, school districts would need to revise existing school attendance policy and procedures and provide adequate notice and training to district staff, parents and students in order to comply with the requirement to enforce compulsory school attendance for an additional two years.

The bill requires that each district school board include in their comprehensive program for student progression the pairing a student who has poor attendance or who needs remediation in reading, writing, science, or mathematics with a mentor in a program such as the YMCA, the YWCA, the College Reach-Out Program, or the Take Stock in Children Program. Also, each comprehensive program is required to encourage a student who has poor attendance or who needs remediation in reading, writing, science, or mathematics to consider a career education curriculum that meets the instructional needs of the student.

According to the DOE, school districts would be required to revise their existing student progression plans to include mentoring programs for students with poor attendance or who need remediation in reading, writing, science or mathematics. Mentor programs in the community such as the YMCA, the YWCA, the College Reach-Out Program, or the Take Stock in Children Programs would be identified. School districts would need to develop policy, procedures, and training for district staff, parents, and students to implement the requirement that a student who has poor attendance or who needs remediation in reading, writing, science, or mathematics be paired with a mentor.¹⁴

Additionally, the DOE reports that school districts would need to revise existing career education course and program delivery to include policy and procedures to encourage a student who has poor attendance or who needs remediation in reading, writing, science, or mathematics to consider a career education curriculum that meets the instructional needs of the student.¹⁵

C. SECTION DIRECTORY:

Section 1. Amends s. 322.091, F.S., revising eligibility requirements for driving privileges.

Section 2. Amends s. 1002.20, F.S., revising the age for compulsory and regular school attendance.

Section 3. Amends s. 1003.21, F.S., revising the age for compulsory and regular school attendance.

Section 4. Amends s. 1003.51, F.S., revising requirements of the Department of Education relating to revising the age for compulsory attendance students in juvenile justice residential or nonresidential facilities.

¹³ Department of Education, 2007 Legislative Bill Analysis for HB 277.

¹⁴ Id.

¹⁵ Id.

Section 5. Amends s. 1008.25, F.S., requiring school district comprehensive programs for student progression to include use of mentors and to encourage a career education curriculum.

Section 6. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to the DOE, the number of dropouts would decrease. Fewer dropouts would result in savings associated with the significant social costs related to citizens without basic education.¹⁶

2. Expenditures:

According to the DOE, there were 12,682 students aged 16 and 17 who dropped out of school in Florida in 2005-06. If a .24 percent annual growth rate is assumed, approximately 12,742 students aged 16 and 17 will drop out of high school in 2007-08.

Per student district operational expenditures are projected to increase to \$7,209 for each student in 2007-08. (Based on 2006-07 FEFP Final Conference Report figures and a 6.166% annual growth rate for educational expenditures). If the compulsory school age is raised from 16 to 18 the projected number of student dropouts (12,742) would require additional funding through the FEFP at a total annual cost of approximately \$91.8 million dollars.

$$12,742 \text{ students} \times \$7,209 \text{ per student expenditure} = \$91,857,078$$

This increase in the number of high school students will also result in an increased need for facilities assuming that regular enrollment growth will utilize existing capacity. The estimated cost of each high school student station for the 2006-07 school year is \$26,197.

$$12,742 \text{ students} \times \$26,197 \text{ per student station} = \$333,802,174$$

The initial operating and capital costs for increasing the compulsory school age from 16 to 18 is estimated to be \$425.7 million including district operational and student station costs. After facilities requirements have been met, there would be a recurring annual operating cost of approximately \$91.8 million.

Impact of Raising Compulsory Attendance to Age 18				
K-12 Total Funds per UFTE Student (2006-07 FEFP Final Conference Report)	2006-07		\$	6,790
Price Index increase 2004 to 2005 (Elementary & Secondary Education)		6.166%		
www.bea.gov/national/nipaweb/				
Estimated 2007-08 Funds per UFTE K-12 Student			\$	7,209
July 2007 High School Student Station Cost			\$	26,197
2006-07 3rd Calc - UFTE		2,641,598.13		

¹⁶ Department of Education, 2007 Legislative Bill Analysis for HB 277.

Estimated 2007-08 UFTE (forecast as of 2/5/07)	2,647,907.43	
% Increase (growth rate)	0.24%	
# of 16 & 17 year old dropouts in 2005-06	12,682	
Estimated # of 16 & 17 year old dropouts for 2006-07	12,712	
Estimated increase, # of 16 & 17 year olds in 2007-08		12,742
2007-08 Estimated FEFP cost for moving age to 18		\$ 91,857,078
2007-08 Estimated Student Station Cost for moving age to 18		\$333,802,174
Total 2007-08 Estimated Cost for moving age to 18		\$425,659,252

In addition to the current FTE allocation and student station costs above, information gained from a pilot program in Manatee County indicates that costs related to this particular population of students would include the funding to support additional truancy and retrieval activities, alternative education programs to address the special needs of these students, and a comprehensive truancy program involving the court system and local law enforcement.¹⁷

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

According to the DOE, each district would generate additional funding in the Florida Education Finance Program as indicated in section 2 of this fiscal analysis. If appropriated by the state, each district would also earn facilities funding as indicated in section 2.¹⁸

2. Expenditures:

According to the DOE, each district would expend the additional state funding indicated in section 2. As indicated by the Manatee pilot program, each district would need to supplement this funding for the special programs and services referenced in section 2.¹⁹

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Improving the graduation rate should have a positive economic and social impact by providing basic education to citizens that should result in higher incomes and less dependence on public assistance.

D. FISCAL COMMENTS:

See FISCAL ANALYSIS section of this analysis.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

¹⁷ Department of Education, 2007 Legislative Bill Analysis for HB 277.

¹⁸ Id..

¹⁹ Id..

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

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

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

As you are aware, Florida has one of the highest dropout rates in the nation and spends billions to subsidize people who have no marketable skills through food stamps, public housing, Medicaid, incarceration, and prison construction. You may also be aware that our court systems have seen a significant increase in juvenile cases and that currently in Orange County, nearly 80% of juvenile crimes are committed by truants and high school dropouts.

This bill that I have proposed seeks to address those issues by mandating that our children who are not preparing to attend college, expand their vocational and career preparation in school. The bill also allows for the involvement of mentors who would help students be more successful.

Many of our children will make it to college, graduate school, and have successful careers. However, far too many young people will make a decision at 16 that they regret at ages 18 or 20. To prevent this mistake, I propose revising the eligibility requirements for driving privileges as an incentive for these young people to maintain enrollment and eventually graduate. This bill will not affect those students who have earned credits for graduation by keeping them in school or by creating disruptive classrooms. Rather than being a waste of money, I believe that this is the most important thing that our legislature can do—invest in all our children.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES