

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 653 Public K-12 Education  
**SPONSOR(S):** Schools & Learning Council, Kravitz  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council	14 Y, 0 N, As CS	Kooi	Cobb
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

PCS/HB 653 revises the organizational structure of the Department of Education, requiring the establishment of a Division of Workforce Education and a Division of Finance and Operations. It also provides the Commissioner of Education with authority to organize and name the structural units of the DOE and the flexibility to do so in a manner that meets legislative intent and promotes efficiency and accountability.

The bill removes the current district school board salary requirements and replaces them with the salary formula that was in place prior to the school code rewrite in 2002. The bill sets the salary according to a formula that is based on the population of each county and is adjusted each year according to a formula set forth in s. 145.19, F.S., which includes factors set forth by the Department of Management Services. The bill also raises the base salary for district school superintendents in the statutory formula.

The bill sets forth new requirements for school districts regarding contracts with photographers for student yearbook photos, including requesting bids, providing information on other student options for photography and authorizing a student's senior photo to appear in the school yearbook that is taken by the student's choice of photographer, so long as the photo meets the specifications of the school principal and yearbook staff.

The bill restores inadvertently deleted language relating to grade forgiveness policies for all incoming ninth graders and provides a new exception for a student in the middle grades who takes a high school course for high school credit.

The bill reinserts inadvertently omitted waiver options for the physical education course requirement for high school graduation for students that participate in marching band, junior varsity or varsity high school sports, or Junior ROTC and meet certain other requirements.

The bill appears to have only a minimal fiscal impact on state and local government. See FISCAL ANALYSIS section.

The bill provides for an effective date of July 1, 2007.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Provides Limited Government--** The bill places certain requirements on district school boards' selection of photographers.

**Empower families--** The bill requires districts to provide information so that students and parents know they may purchase photographic services from vendors not under contract with the school district.

### B. EFFECT OF PROPOSED CHANGES:

#### **Department of Education Reorganization**

Current law specifies that the following divisions must be established within the Department of Education (DOE): Community Colleges, Public Schools, Colleges and Universities, Vocational Rehabilitation, Blind Services, and Accountability, Research, and Measurement. The directors of such divisions are appointed by the Commissioner of Education.

PCS/HB 653 revises the organizational structure of the DOE by specifically requiring the establishment of a Division of Workforce Education and a Division of Finance and Operations. The bill provides that the director of each of the divisions set forth in statute may be designated as "Deputy Commissioner" or "Chancellor". The bill also deletes the language requiring a division of colleges and universities within the DOE as the State University System is now governed by the Board of Governors as provided in the state constitution.

The bill provides the Commissioner of Education with authority to organize and name the structural units of the DOE and with flexibility to do so in a manner that meets legislative intent and promotes efficiency and accountability.

#### **District School Board Member compensation**

Under Article IX, Section 4(a), of the State Constitution, each county is constituted as a school district. Each school district must have a school board composed of five or more members chosen by a vote of the electors in a non-partisan election for staggered four-year terms. Current law requires that each district school board must determine the salary of its members at the first school board meeting of each year.<sup>1</sup> The law also requires that the salary proposed to be adopted at that first meeting must be included in the meeting notice and may not be increased at that meeting. The salary that is adopted must stay in effect for the succeeding twelve months.

The bill removes the current requirements and replaces them with the salary formula that was in place prior to the school code rewrite in 2002.<sup>2</sup> The bill sets the salary according to a formula that is based on the population of each county and is adjusted each year according to a formula set forth in s. 145.19, F.S., which includes factors set forth by the Department of Management Services.

The primary determinants of an elected school superintendent's formula-based salary will be: 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.

#### **Elected District School Superintendent salary**

##### *Election and Appointment of District School Superintendents*

<sup>1</sup> The date of this meeting is set forth in s. 1001.371, F.S., and is the third Tuesday after the first Monday in November.

<sup>2</sup> Section 54, Ch. 2002-387, Laws of Florida.

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.<sup>3</sup> 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.<sup>4</sup>

### *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.

The bill raises the base salary in the formula described above by \$2,100 for each population group. The new base amount is the same as that set for county sheriffs pursuant to s. 145.071, F.S. The bill also removes the statutory requirement that any laws that increase the base salary set forth in s. 1001.47(2), F.S., shall contain provisions on no other subject.

### **Senior Yearbook Photographs**

Florida law grants local district school boards authority to control K-12 education operations in the district. Educational curricula, facilities operation and maintenance, student discipline and attendance policies, transportation, reporting and record keeping are among the duties prescribed to district school boards in statute.<sup>5</sup>

The bill requires school districts that contract with a photographer for the purpose of taking student yearbook photos must request proposals to contract with at least two photographers and the results of such proposals, including the vendors' contact information, must be provided on the school or district website. The bill also specifies that a student's senior photo must be allowed to appear in the school yearbook regardless of the student's choice of photographer, so long as the photo meets the specifications of the school principal and yearbook staff.

### **High School graduation grade forgiveness policies**

In 2006, the Florida Legislature in HB 7087, Ch. 2006-74, Laws of Florida, revised the high school graduation requirements for all incoming ninth graders. Included in this revision was a change to the requirements for grade forgiveness. The former requirements for grade forgiveness were not included in the new s. 1003.428, F.S., and new policies regarding credit recovery courses were required in s. 1003.413, F.S.

The bill restores the language in 1003.43, F.S. for grade forgiveness policies for all incoming ninth graders and removes the language relating to credit recovery. These policies must allow students to

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<sup>3</sup> Florida Legislative Committee on Intergovernmental Relations. "Compensation of Florida's School Superintendents." January 2006. p. 1.

<sup>4</sup> Florida Association of District School Superintendents. <http://www.fadss.org/>

<sup>5</sup> Section 1003.02, F.S.

replace grades of “D” or “F” or the equivalent of such grades, in required courses with a subsequent grade of “C” or higher, or the equivalent of such grades, in a comparable course, and replace grades of “D” or “F”, or the equivalent of such grades, in elective courses with a subsequent grade of “C” or higher, or the equivalent of such grades, in another elective course.

The bill also provides an exception for a student in the middle grades who takes a high school course for high school credit and earns a grade of “C”, “D”, or “F” or the equivalent of such grades. In such cases, the district forgiveness policy must allow the replacement of the grade with a grade of “C” or higher; or the equivalent of a grade of such grades, earned subsequently in the same or comparable course.

### **Waiver of physical education requirement for high school graduation**

In 2006, the Florida Legislature in HB 7087, Ch. 2006-74, Laws of Florida, revised the high school graduation requirements for all incoming ninth graders. Included in this revision was a change to the physical education requirement for high school graduation. The new requirements no longer allow for a waiver of physical education requirements for participating in marching band, junior varsity or varsity high school sports, or Junior ROTC.

The bill reinserts these waiver options for students that participate in these activities and meet certain other requirements. For the waiver for participating in JV or Varsity sports, the student must also pass a competency test on personal fitness with a score of “C” or better, and for the waiver for participating in marching band the student must pass that class with or a physical activity class that requires participating in marching band with a grade of “C” or better.

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 20.15, revising and adding to the divisions of the Department of Education; providing name designations for the director of each division.

**Section 2.** Amends s. 145.19, F.S., relating to salary increases based on increase for state career service employees; adding cross-references to conform.

**Section 3.** Amends s. 1001.10, F.S., relating to the Commissioner of Education’s powers and duties; providing legislative intent.

**Section 4.** Amends s. 1001.395, F.S.; revising the manner in which compensation of district school board members is determined; specifying base salary amounts.

**Section 5.** Amends s. 1001.47, F.S.; revising provisions relating to base salaries of district school superintendents.

**Section 6.** Amends s. 1003.02, F.S.; requiring certain district school boards to request proposals from photographers; requiring public access to information; allowing student choice of photographer; permitting the inclusion of certain photographs in student yearbooks.

**Section 7.** Amends s. 1003.413, F.S.; removing language relating to credit recovery courses.

**Section 8.** Amends s. 1003.428, F.S.; providing waivers to the physical education credit requirement for high school graduation; requiring policies to assist students in meeting graduation requirements; providing guidelines for district school board grade forgiveness policies.

**Section 9.** Provides for an effective date.

## 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 government revenues.

#### 2. Expenditures:

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

### 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 revisions to district school board member salary will have a minimal effect depending on the district's current salaries for its members. According to the Florida School Boards Association, most school boards in the state have continued to fund member salaries according to the same rate that they would have been without the revision in 2002.<sup>6</sup>

The revision to the base salary portion of the formula for district school superintendent salaries will involve a minimal increase in district school board expenditures in districts with an elected superintendent.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill may increase the number of students choosing to buy senior photos from vendors not under contract with the district school board.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

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.

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<sup>6</sup> FSBA also indicated that some districts had gone with a slightly lower salary than the formula would have required and a couple of districts had gone above the amount that the formula would have required. Such districts would experience a small increase or decrease in expenditures respectively.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

#### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On Tuesday, April 10, 2007, the Schools and Learning Council adopted one amendment. The Council reported the bill favorably as amended. The amendment deleted language that allowed district school boards to adopt policies for the opening and closing of schools and fix uniform dates for the school year after receiving public input in at least one public hearing. District school boards would still have been prohibited from adopting opening dates for the school year earlier than 14 days before Labor Day each year unless they held at least one public hearing on the matter.