

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: SB 834

INTRODUCER: Senator Detert

SUBJECT: Minimum Term School Funding

DATE: February 11, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hand</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 834 revises minimum school term requirements and associated funding provisions for public school students and schools. Specifically, the bill:

- Provides that schools (including double-session schools and schools utilizing an experimental calendar) that operate for less than the minimum term will generate proportionally fewer full-time equivalent (FTE).
- Repeals alternative minimum term provisions for double-session schools and schools utilizing an experimental calendar.
- Repeals the requirement for the Department of Education (DOE) to approve an experimental school calendar.
- Clarifies minimum term requirement by which DOE may approve the operation of schools under emergency conditions.

The bill has no impact on state funds. A school district or charter school that continues to operate under a double session or experimental calendar for less than minimum required instructional hours specified in the bill will experience a proportional reduction in their FTE and funding as calculated through the Florida Education Finance Program.

The bill takes effect upon becoming a law.

II. Present Situation:

The present situation for the relevant portions of SB 834 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

SB 834 revises minimum school term requirements and associated funding provisions for students and schools. Provisions of the bill affect statutory requirements related to traditional public schools, double-session schools, schools operating on an experimental calendar, and schools operating under emergency conditions.

Traditional Public Schools

Present Situation

Each school district is required to annually operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified in SBE rules.¹ The SBE has provided that the hourly equivalent to the 180-day school year is determined as prescribed below:²

- Grades 4 through 12: Not less than 900 net instructional hours.
- Kindergarten through grade 3 or in an authorized prekindergarten exceptional program: Not less than 720 net instructional hours.

For the purposes of the Florida Education Finance Program (FEFP), a full time equivalent student (FTE) in each program of the district is defined in terms of full-time students and part time students, as follows:³

- A full-time student is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school comprising no less than the hourly equivalent prescribed by the SBE.⁴
- A part-time student is a student on the active membership roll of a school program or combination of school program who is less than a full time student. Part time students are funded based on their proportional share of hours of instruction.⁵

Effect of Proposed Changes

The bill clarifies that a part-time student generates FTE proportional to the amount of instructional hours provided by the school divided by the minimum term requirements. In effect, a student who attends a school that operates for less than the minimum term will continue to generate proportionally fewer FTE,⁶ and the school will continue to receive proportionally less funding.

¹ Section 1011.60(2), F.S.

² Rule 6A-1.045111(1), F.A.C.

³ Section 1011.61(1), F.S.

⁴ See the previous paragraph. Exceptions exist for double-session schools or a school utilizing an experimental calendar approved by the Department of Education (discussed further herein) and for students who moved with their parents for the purpose of engaging in the farm labor or fish industries. *Id.*

⁵ E-mail, Department of Education, January 23, 2016.

⁶ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

Double-Session Schools

Present Situation

Double-session schools are not defined in statute or rule.⁷ Schools operating on a double-session calendar must operate for a term of 180 actual teaching days, or the hourly equivalent as prescribed below:⁸

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students in double-sessions schools that meet the hourly equivalent are considered full-time students⁹ Thus, a student in grade 9 at a double-session school who is provided 810 instructional hours generates 1.0 FTE ($810/810=1.0$).¹⁰

There are currently 13 double-session schools operating in Florida in the 2015-2016 fiscal year.¹¹ Several charter schools are operating with double-session or multiple sessions for which 810 instructional hours are provided.¹²

Effect of Proposed Changes

The bill eliminates the ability for a student at a double-session school to meet the definition of a full-time student if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

In effect, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.¹³ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),¹⁴ and the school would receive proportionally less funding.

⁷ Differing interpretations of “double-session schools” may exist. *Compare*, a DOE statement that in Florida, double-session schools have historically existed in instances where districts held two sessions per day at one school location due to school construction delay or storm damage. *Id.*; *But see*, Statutory maximum class size implementation options direct district school boards to consider operating more than one session of school during the day in order to meet constitutional class size requirements. Section 1003.03(3)(i), F.S.

⁸ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C. The DOE is not required to approve double-session schools. Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

⁹ Section 1011.61(1)(a)2., F.S.

¹⁰ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

Schools Operating on an Experimental Calendar

Present Situation

Schools utilizing an experimental calendar that is approved by the Department of Education, must operate for a term of 180 actual teaching days or the hourly equivalent as prescribed below:¹⁵

- Grades 4 through 12: Not less than 810 net instructional hours.
- Kindergarten through grade 3: Not less than 630 net instructional hours.

For the purposes of the FEFP, students at a school utilizing an experimental school calendar approved by the Department of Education are considered full-time students if the instruction meets the minimum term requirements.¹⁶ Thus, a student in grade 9 at such a school who is provided 810 instructional hours generates 1.0 FTE ($810/810=1.0$).¹⁷

Additionally, the Department is required to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.¹⁸

Effect of Proposed Changes

The bill eliminates the ability for a student at a school utilizing an experimental school calendar to meet the definition of a full-time student if the student receives instruction that comprises:

- Less than 900 but more than 810 net hours in grades 4 through 12, or
- Less than 720 but more than 630 net hours in kindergarten through grade 3.

The bill eliminates statutory language requiring the DOE to determine and implement an equitable method of equivalent funding for experimental schools which have been approved by the DOE to operate for less than the minimum school day.¹⁹

In effect, a student who attends a school operating on an experimental calendar that operates for less than the minimum term will generate proportionally fewer FTE.²⁰ Thus, instead of generating 1.0 FTE while operating for less than 900 hours but for more than 810 hours, the school will generate FTE proportional to the amount of instructional hours divided by the minimum term requirement of 900 hours.²¹ Under the bill, a student receiving 810 instructional hours would now generate 0.9 FTE ($810/900=0.9$),²² and the school would receive proportionally less funding.

¹⁵ Section 1011.61(1)(a)2., F.S.; Rule 6A-1.045111(2), F.A.C.

¹⁶ Section 1011.61(1)(a)2., F.S.

¹⁷ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

¹⁸ Section 1011.61(1), F.S. (Flush left provisions)

¹⁹ Section 1011.61(1), F.S. (Flush left provisions)

²⁰ Staff of the Florida Department of Education, *Legislative Bill Analysis for SB 834* (2016).

²¹ *Id.*

²² *Id.*

Emergency Conditions

Present Situation

Upon written application, the SBE is authorized to alter the 180 day minimum term requirement during a national, state, or local emergency if the SBE determines that is not feasible to make up lost days or hours.²³

At the discretion of the Commissioner of Education, and if the SBE determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, the apportionment may be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools.²⁴

The Department is required to determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which have been approved by the DOE to operate for less than the minimum school day.²⁵

Effect of Proposed Changes

The bill clarifies schools approved by the DOE to operate for less than the minimum school day means the minimum term as provided in s. 1011.60, F.S.²⁶

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²³ Section 1011.60(2), F.S. The SBE is authorized to prescribe procedures for altering this requirement. *Id.*

²⁴ Section 1011.60(2), F.S. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. *Id.*

²⁵ Section 1011.61(1), F.S. (Flush left provisions)

²⁶ Section 1011.61(1), F.S. (Flush left provisions) This section identifies minimum requirements of the FEFP. *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 834 has no impact on state funds. A school district or charter school that continues to operate under a double session or experimental calendar for less than minimum required instructional hours specified in the bill will experience a proportional reduction in their FTE and funding as calculated through the Florida Education Finance Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1011.61 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.