

CONFORMING AND IMPLEMENTING LANGUAGE IN 2019 REGULAR SESSION BILLS

BACKGROUND

In every regular session of the Florida Legislature there are multiple parts to the appropriations process. The General Appropriations Act (GAA) that is eventually passed and signed into law contains the amount of revenue appropriated to each line item in the budget. The revenue appropriated provides Legislative spending authority for the agencies and entities that receive money from the state budget. In addition to the revenue amounts many of the line items include proviso language, which gives specific direction from the Legislature about how the funds are to be spent. It should be understood that the entire GAA is law for the fiscal year for which it is written, and the proviso language is not just a series of suggestions. Proviso language is the law for each fiscal year. The entire GAA, including the proviso language, expires on June 30 of the fiscal year for which it was passed. The House of Representatives and the Senate each pass a version of the GAA specific to the respective chamber, and differences between the bills are resolved by a series of conference subcommittees, by a conference committee composed of the Chairs of the two Appropriations Committees, and if necessary by a meeting between the Speaker of the House and the Senate President.

In addition to the respective GAA, each chamber also passes a companion implementing bill. These bills provide specific statutory changes necessary to allow the GAA to be implemented. Differences between the language in the respective implementing bills are also resolved by the conference committees. The provisions of the implementing bill also expire at the end of the fiscal year for which it is passed.

In the past each chamber also passed another companion measure, an appropriations conforming bill. The conforming bills made changes in Florida statutes to align the law with the GAA, but these changes did not expire at the end of the fiscal year. These were changes in the law that remained in effect until changed by the action of future Legislatures. A few sessions ago conforming bills grew into long, complicated legislative "trains." There was considerable controversy about the practice, particularly in the Senate. Recently specific conforming bills have not been filed, particularly in the Senate. Instead, language conforming statutes to appropriations has been incorporated into substantive policy bills.

To help clarify the competing issues between House and the Senate, as the session moves toward the appropriations conferences, the analysis below identifies the major appropriations areas that include issues that are addressed with bill language. The language may be in proviso language, the implementing bills, HB 5101, which is identified as the House Education Conforming Bill, or in substantive policy bills.

The analysis is organized by issue. Each appropriation issue will be identified. The bill language related to the issue in each chamber will be identified, and the bill or bills in which the language is located will be identified. The intent is to help clarify the positions for which the district would advocate and to enhance our ability to track the language as it moves through the process. The major appropriations policy issues that have been identified include: Funding Compression Allocation; Turnaround Supplemental Services Allocation; Safe Schools Allocation; School Choice Scholarships; Best and Brightest Teacher/Principal Allocation; District Cost Differential; and Charter and Public School Capital Outlay funding.

The major issues with the related bills and language are presented below.

SAFE SCHOOLS ALLOCATION

SB 190 on lines 675 through 693 revises the formula for distributing funds provided for the Safe Schools Allocation to the school districts. The existing formula provides that after a minimum allocation for each district the funds are to be distributed with two-thirds of the remaining funds allocated based on the official Florida Crime Index provided by the Department of Law Enforcement and one-third of the remaining funds distributed based on each district's proportionate share of the state's full time unweighted full-time equivalent student enrollment. The bill provides that after the minimum allocation for each district one-third of the remaining funds will be distributed based on the Florida Crime Index and two-thirds of the remaining funds will be distributed based on each district's proportionate share of the full time unweighted full-time equivalent student enrollment.

SB 2502 on lines 818-822 revises the formula for distributing funds provided for the Safe Schools Allocation to the school districts. The existing formula provides that after a minimum allocation for each district the funds are to be distributed with two-thirds of the remaining funds allocated based on the official Florida Crime Index provided by the Department of Law Enforcement and one-third of the remaining funds distributed based on each district's proportionate share of the state's full time unweighted full-time equivalent student enrollment. The bill provides that after the minimum allocation for each district one-third of the remaining funds will be distributed based on the Florida Crime Index and two-thirds of the remaining funds will be distributed based on each district's proportionate share of the full time unweighted full-time equivalent student enrollment. This provision in SB 2502 expires on June 30, 2020.

HB 7093 on lines 793-797 changes the distribution formula for the Safe Schools Allocation. The bill provides that after a minimum allocation for each school district, as determined in the General Appropriations Act, the balance of the funds is to be distributed based on each school district's proportionate share of the total unweighted full time equivalent student enrollment.

SB 7093 on lines 799-808 provides that beginning on September 30, 2019 and annually by September 30 thereafter that **before the distribution of funds** from the Safe Schools Allocation the Office of Safe Schools must verify compliance with s. 1006.07 (6) (a)4. This requires that each district has conducted the annual risk assessment of each campus as provided in statute. This could mean that the districts will have to pay for a full quarter of Safe School expenses with no revenue flow, which could strain some districts' fund balances.

HB 5101 on lines 663 through 676 authorizes that funds for the Digital Classrooms Allocation may be used for school safety needs.

FUNDING COMPRESSION ALLOCATION

SB 190 on line 710 repeals the expiration date of July 1, 2019 for the language establishing the Funding Compression Allocation, thus allowing the allocation to remain in law after July 1, 2019.

SB 2502 on line 846 extends the date for the expiration of the funding compression allocation to June 30, 2020.

HB 5101 on lines 859-875 repeals and deletes all language associated with the Funding Compression Allocation.

WORKFORCE EDUCATION PERFORMANCE FUNDING

SB190 on lines 733-736 repeals the \$15 million maximum amount allowed to be earned statewide for industry certifications. The amount per certification remains \$1,000.

SB 2502 on lines 968-973 repeals the \$15 million maximum amount allowed to be earned statewide industry certifications. The amount per certification remains \$1,000.

SCHOOLS OF HOPE PROGRAM

SB 2502 on lines 490-494 repeals the authority to carry forward for up to five years from the year in which the funds were appropriated any unspent funds appropriated for the Schools of Hope program. The repeal expires on June 30, 2020.

SB 2502 on lines 523-568 repeals the provision for district operated turnaround schools to participate in the Schools of Hope program. The repeal expires on June 30, 2020.

SB 7070 on lines 222-262 repeals the authorization for district operated schools to participate in the Schools of Hope Program.

COMMUNITY SCHOOLS PROGRAM

SB 2502 on lines 582 to 674 establishes the Community Schools Grant Program. The bill defines key terms, establishes the requirements to participate in the grant, and the expected elements of a successful Community Schools Program. The provisions for this program expire on June 30, 2020.

DISTRICT MANAGED TURNAROUND SCHOOLS

SB 2502 on lines 690-693 authorizes districts to implement an extended school day and summer program as part of the turnaround plan. This provision expires on June 30, 2020.

SB 2502 on lines 870-936 establishes in the FEFP the Turnaround School Supplemental Services Allocation. The language establishes the standards with which the district must comply to become eligible for an allocation. The language establishes that schools are eligible if they earn three consecutive grades below "C" and schools that have improved to a "C and are no longer in Turnaround. Funds are distributed based on the annual appropriation and the number of Unweighted FTE students enrolled in the turnaround schools. When school grades are reported, and the enrollment of students in the new school year is established the allocations will be adjusted to match the new enrollments and grades.

SB 7070 on lines 742-745 authorizes a district managed turnaround plan may include an extended day and a summer program.

SB 7070 on lines 893-959 establishes the Turnaround School Supplemental Schools Allocation. The bill requires that the district prepare and submit a plan to access the funds. The bill provides up to \$500 per unweighted FTE student at the turnaround schools in the district, or the amount provided by Legislative appropriation. The amounts will be recalculated after the school grades and enrollments at the schools are confirmed after the start of the school year.

THE FAMILY EMPOWERMENT SCHOLARSHIP PROGRAM AND OTHER VOUCHER PROGRAMS

SB 7070 establishes a new section of law, s 1002.394 "The Family Empowerment Scholarship Program", a new voucher program on lines 270 through 480. The Senate and the House proposals are very similar, and it is a virtual certainty that the program will pass and be signed by the Governor. The policy details are very similar to those in HB 7075. SB 7070 on lines 482-488 makes 15,000 scholarships available on a first come first served basis in 2019-2020. It provides that beginning in 2020-2021 the number of students participating may increase in accordance with the percentage increase in public school enrollment.

SB 7070 on lines 493-497 the bill establishes the value of the voucher at 95% of the "unweighted FTE funding amount at the district level for that state fiscal year and the amount shall be adjusted with each FEFP calculation through the calculation based on the October survey."

SB 7070 on lines 498-502 establishes that the voucher shall be the calculated amount of the voucher or the amount of the school's tuition and fees, whichever is less. The process for reporting the students and transferring the funds is very similar to the process used currently for the McKay Scholarship Program.

HB 7075 beginning on line 58 creates a new section of law s. 1002.394 that establishes the "Family Empowerment Scholarship Program. The policy details of HB 7075 with regard to the duties of the district, the Department of Education, the parents and the other parties to the program are not materially different from the provisions in SB 7070. The details of the program's operation are very similar to the details of the operation of existing programs, particularly the McKay Scholarship Program. With regard to details related to the appropriations' impacts there are some differences.

HB 7075 on lines 85 through 94 establishes eligibility limits based on family income levels. For the 2019-2020 the family income level limit is 300% of the federal poverty level. In 2020-2021 the income eligibility level is 325% of the federal poverty level,. In 2021-2022 the income eligibility level is 350% of the federal poverty level, and in 2022-2023 and beyond the income eligibility level is 375% of the federal poverty level. Based on current data by 2022-2023 a family of four with an income below \$96,562.50 will be eligible for a voucher that was created to help poor children to have access to apply for admission to private schools willing to enroll the student.

HB 7075 on lines 96-98 establishes that priority shall be given to students whose household incomes do not exceed 185% of the federal poverty level or who are in foster care or out-of-home care.

HB 7075 on lines 117-119 provides that, the number of new scholarships that the department may authorize in any school year may not exceed 1 percent of the total public school enrollment for that year."

HB 7075, and SB 7070 fund these vouchers through the Florida Education Finance Program in much the same way as McKay Scholarships are funded. Lines 258-261 provide that, "The scholarship amount awarded to an eligible student shall be calculated based upon the grade level and school district in which the student resides as 97% of the district average for the basic program identified in s. 1011.62 (1)(c)1." The remaining three percent of the funds generated by the student are payable to the scholarship funding organization administering the voucher.

HB 7075 on lines 428-432 the bill establishes that the amount of the tax credit scholarship beginning in the 2019-2020 school year shall be "calculated based upon the grade level and school district in which the student resides as 97% of the district average for the basic program identified in s. 1011.62 (1) (c) 1." The remaining three percent of the funds generate by the student are payable to the scholarship funding organization administering the voucher.

HB 7075 on lines 528-531 revises the amount of the Hope Scholarship. It proposes that the Hope Scholarship amount shall be, be "calculated based upon the grade level and school district in which the student resides as 97% of the district average for the basic program identified in s. 1011.62 (1) (c) 1." The remaining three percent of the funds generated by the student are payable to the scholarship funding organization administering the voucher.

SB 7070 does not propose this change in the amount of the Tax Credit or Hope Scholarship programs.

HB 5101 on line193 adds the Reading Allocation as one of the categorical funds from which a McKay Scholarship student will receive the student's proportionate share.

HB 5101 on lines 262-264 adds as a priority for funding from the Florida Tax Credit Scholarship new applicants whose household income levels are greater than 185% of the federal poverty level but do not exceed 260% of the federal poverty level.

HB 5101 on lines 326 through 331 provides that beginning in 2019-2020 the amount of the Tax Credit Scholarship shall be "calculated based upon the grade level and school district in which the student resides as 97% of the district average for the basic program identified in s. 1011.62 (1) (c) 1 and the General Appropriations Act."

HB 5101 on lines 367 through 371 provides that the Hope Scholarship amount shall be, "calculated based upon the grade level and school district in which the student resides as 97% of the district average for the basic program identified in s. 1011.62 (1) (c) 1 and the General Appropriations Act."

HB 5101 on lines 517-526, lines 652-655, and lines 677-737 deletes the requirement for districts to use the Reading Allocation for an extra hour of reading instruction and makes the program optional.

HB 5101 on lines 560-581 provides for a change in the method of the calculation of the District Cost Differential and shifts that calculation to a wage index that will be developed.

FLORIDA BEST AND BRIGHTEST TEACHER AND PRINCIPAL ALLOCATION

SB 2502 on lines 849-866 moves the Best and Brightest program from outside the Florida Education Finance Program (FEFP) into the FEFP. The language creates the program subject to annual appropriation. The bill provides that funds that are appropriated for the Best and Brightest program shall be distributed to school districts based on each district’s base FEFP funding as a percentage of the statewide base FEFP. The language provides allocations to classroom teachers, not other instructional personnel. It prescribes that there shall be a one-time recruitment bonus, an annual retention award, and an annual recognition award based on the requirements of law. It also authorizes an allocation for eligible principals. These provisions for Best and Brightest expire on June 30, 2020.

SB 2502 on lines 1000-1171 establishes the provisions for the Best and Brightest program. The provisions expire on June 30, 2020.

HB 5101 on lines 829-830 includes the Best and Brightest allocation in the Virtual Education Contribution.

HB 5101 on lines 942-1100 revises the existing language concerning the Best and Brightest Programs. On lines 948-951 the bill provides for an award of \$2,000 for a teacher evaluated highly effective in the preceding year and on lines 952-955 the bill provides for an award of \$1,100 for a teacher rated effective in the preceding year. Lines 956-959 allow for the payment of the award to an employee who is no longer a classroom teacher, but who was a classroom teacher in the preceding year. Below is a side-by side comparison of the House and Senate Best and Brightest proposals.

	HB 5001	SB 2500 and SB 7070
Amount Appropriated	\$268,964,000	\$233,950,000
Appropriation	The bill includes the new Florida Best and Brightest Teachers allocation and the Florida Best and Brightest Principals allocation in the calculation of the Virtual Education Contribution.	Establishes the Florida Best and Brightest Teacher and Principal Allocation within the FEFP. Each school district will be provided an allocation based on the district’s proportionate share of FEFP base funding for Best and Brightest teacher and principal awards.
	Increases the yearly bonuses to \$2,000 for each classroom teacher rated “highly effective” and up to \$1,100 for each classroom teacher rated “effective”.	
Qualifications	Deletes the provision of the program that provides a \$6,000 award for classroom teachers who are rated “highly effective” and who scored at or above the 80th percentile nationally on either the SAT or the ACT at the time the assessment was taken.	Removes a teacher’s performance on the SAT or ACT as a factor in determining eligibility for the award.
		Establishes a recruitment award for newly hired teachers who are a content expert, based on criteria established by the DOE, in mathematics, science, computer science, reading, or civics.

		Creates a retention award for teachers rated as “highly effective” or “effective” the preceding year, and currently teaching in a school that has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years.
		Creates a recognition award for teachers rated as “highly effective” and selected by the school principal based on performance criteria and policies adopted by the district school board.
		Mandates that All award amounts for the program will be specified annually in the General Appropriations Act (GAA). The recognition awards must be provided from remaining funds available after the payment of all other teacher recruitment and retention awards and principal awards
		Amends statute to base the Florida Best and Brightest Principal Program on school performance. A principal is eligible for an award if he or she has served as school principal at his or her school for at least 4 consecutive school years, including the current school year, and the school has demonstrated academic improvement, as evidenced by the school improving an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior 3 years. Award amounts for the program will be specified annually in the GAA

CHARTER SCHOOL CAPITAL OUTLAY FUNDING

SB 2502 on lines 1182-1186 changes the law for charter school capital outlay funding. The bill changes from 2018-2019 to 2019-2020 the year in which the amount of charter school capital outlay funding is set based on the amount of the state appropriation, and from 2019-2020 to 2020-2021 the year in which school districts are required to add funds from the local discretionary capital outlay millage to meet the entitlement of each charter school student for capital outlay revenue.