

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 641 Articulated Acceleration Mechanisms in Education

**SPONSOR(S):** Plasencia and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

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**FINAL HOUSE FLOOR ACTION:** 112 Y's      0 N's      **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 641 passed the House on March 9, 2020, as amended. The Senate adopted a strike-everything amendment on March 12, 2020, and passed the bill on March 13, 2020. The House concurred in the Senate amendment and subsequently passed the bill on March 13, 2020.

The bill modifies the Florida Education Finance Program (FEFP) by:

- Creating the Teacher Salary Increase Allocation in the Florida Education Finance Program (FEFP) to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel.
- Repealing the Florida Best and Brightest Teacher and Principal Allocation.
- Deleting the use of the Florida Best and Brightest Teacher and Principal Allocation in the calculation of the Virtual Education Contribution and adding the use of the Teacher Salary Increase Allocation in its calculation.

The bill repeals the Florida Best and Brightest Teacher Scholarship Program and the Florida Best and Brightest Principal Scholarship Program.

The bill provides for school districts to receive additional funding through the Florida Education Finance Program (FEFP) for each student who receives an Advanced Placement Capstone Diploma in addition to a standard high school diploma.

The Fiscal Year 2020-2021 General Appropriations Act appropriates \$500 million in recurring funds from the General Revenue Fund to fund the new Teacher Salary Increase Allocation.

The bill would have a fiscal impact based on the number of Advanced Placement Capstone Diplomas awarded; however, this impact would be incorporated into the overall FEFP.

The bill was approved by the Governor on June 24, 2020, ch. 2020-94, L.O.F., and will become effective on July 1, 2020.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Advanced Placement Program**

##### ***Present Situation***

Since 1955, the College Board's Advanced Placement (AP) program has enabled millions of students to take college-level courses and earn college credit, advanced placement credit, or both while still in high school.<sup>1</sup> The AP program allows academically prepared students to pursue college-level studies through 38 AP courses, modeled on comparable introductory college courses, in seven subject areas.<sup>2</sup> Each AP course culminates in a standardized college-level assessment, or AP exam.<sup>3</sup> The exams are scored on a scale of 1 to 5,<sup>4</sup> with college credit awarded for AP exam scores of 3 or higher.<sup>5</sup>

Currently AP students who score 3 or higher on the AP exam in the prior year generate a value of 0.16 full-time equivalent (FTE) bonus amount in the Florida Education Finance Program (FEFP) calculation for the subsequent year.<sup>6</sup> Each school district must allocate at least 80 percent of the funds to the high school that generates the funds.<sup>7</sup> The school district must distribute to each classroom teacher who provided the AP instruction as follows:

- A \$50 bonus for each student taught by the AP teacher in each AP course who receives a score of 3 or higher on the AP exam.
- An additional \$500 to each AP teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the AP exam, regardless of the number of classes taught or of the number of students scoring 3 or higher on the AP exam.<sup>8</sup>

Bonuses awarded to an AP teacher are in addition to any regular wage or other bonus the classroom teacher received or is scheduled to receive.<sup>9</sup> The Fiscal Year 2018-2019 final calculation of the Florida Education Finance Program (FEFP) includes 29,434 add-on weighted FTE for the AP program.<sup>10</sup>

#### **Advanced Placement Capstone Diploma**

The College Board established the Advanced Placement (AP) Capstone Diploma to provide students with opportunities to develop skills in critical thinking, independent research, collaborative teamwork, and communication skills.<sup>11</sup> The AP Capstone Diploma program is based on two year-long AP courses: AP Seminar and AP Research.<sup>12</sup> These two courses are designed to complement the other AP courses taken by an AP Capstone student. Students typically take the AP Seminar course in either

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<sup>1</sup> The College Board, *About AP*, <https://apcentral.collegeboard.org/about-ap> (last visited January 8, 2020).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Section 1007.27(5), F.S.

<sup>6</sup> Section 1011.62(1)(n), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Florida Department of Education, *Florida Education Finance Program Fiscal Year 2018-2019 Final Calculation*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlit/1819FEFPFinalCalc.pdf>.

<sup>11</sup> The College Board, *What is the AP Capstone Diploma Program*, <https://apcentral.collegeboard.org/pdf/ap-capstone-student-brochure.pdf?course=ap-capstone-diploma-program> (last visited January 8, 2020).

<sup>12</sup> *Id.*

grade 10 or 11, followed by the AP Research course.<sup>13</sup> The AP Seminar course is a prerequisite for the AP Research course.<sup>14</sup>

The AP Seminar course allows students to consider an issue from multiple perspectives, identify credible sources, evaluate strengths and weaknesses of arguments, and make logical, evidence-based recommendations. Students investigate a variety of topics through various viewpoints of their choice and complete a team project as well as take a written end-of-course exam.<sup>15</sup>

The AP Research course allows students to explore various research methods and complete an independent research project that builds on a topic, problem, or issue covered in the AP Seminar course or on a new topic of the student's choosing. At the end of the project, students submit an academic paper and present and defend their research findings. There is no end-of-course exam.<sup>16</sup>

Students who earn a score of 3 or higher on the exams for the AP Seminar course and the AP Research course, plus earn a score of 3 or higher on four additional AP exams of their choosing, receive the AP Capstone Diploma.<sup>17</sup> The AP Capstone Diploma program signifies that the student has completed a certain set of requirements in high school to earn an advanced diploma in addition to the standard high school diploma.

There are 228 approved AP Capstone schools in Florida.<sup>18</sup>

### ***Effect of the Bill***

The bill provides a 0.30 full-time equivalent (FTE) add-on bonus amount funded in the Florida Education Finance Program (FEFP) to be generated by students who graduate with the Advanced Placement (AP) Capstone Diploma and meet the requirements for a standard high school diploma. Students who graduate with the AP Capstone Diploma will generate the add-on bonus funding for their school districts in the subsequent fiscal year.

### **Classroom Teacher Compensation**

#### ***Present Situation***

The Department of Education, in cooperation with teacher organizations, district personnel offices and schools, colleges, and departments of all public and nonpublic postsecondary educational institutions are required to concentrate on the recruitment and retention of qualified teachers.<sup>19</sup>

Section 1012.01(2), F.S., defines “instructional personnel” to include the following kindergarten through grade 12 staff members:

- Classroom teachers – provides instruction in basic education, exceptional student education, career and adult education, including substitute teachers.
- Student personnel services – includes certified school counselors, social workers, career specialists, and school psychologists.
- Librarians/media specialists – instructs students in accessing and using information resources.
- Other instructional staff – includes primary specialists, learning resource specialists, instructional trainers, and certified adjunct educators.

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> The College Board, *How it Works*, <https://apcentral.collegeboard.org/pdf/ap-capstone-student-brochure.pdf?course=ap-capstone-diploma-program> (last visited January 8, 2020).

<sup>18</sup> Email Gabe Sheheane, Senior Director of Government Relations, The College Board, January 8, 2020.

<sup>19</sup> Section 1012.05(1), F.S.

- Education paraprofessionals – includes classroom paraprofessionals; and exceptional education, career and adult education, library, and physical education and playground paraprofessionals.

**Staff in Florida's Public Schools  
Full-Time Instructional Personnel Summary  
2018-19, Final Survey 3<sup>20</sup>**

| Activity Assignment                    | Total          | Percent       |
|--|----------------|---------------|
| ELEMENTARY TEACHERS                    | 74,894         | 36.8%         |
| SECONDARY TEACHERS                     | 68,322         | 33.6%         |
| EXCEPTIONAL EDUCATION TEACHERS         | 28,653         | 14.1%         |
| OTHER TEACHERS                         | 6,348          | 3.1%          |
| <b>TOTAL CLASSROOM TEACHERS</b>        | <b>178,217</b> | <b>87.6%</b>  |
| STUDENT PERSONNEL SERVICES             | 9,141          | 4.5%          |
| LIBRARIANS/MEDIA SPECIALISTS           | 1,984          | 1.0%          |
| OTHER PROFESSIONAL STAFF/INSTRUCTIONAL | 14,194         | 7.0%          |
| <b>TOTAL</b>                           | <b>203,536</b> | <b>100.0%</b> |

Section 1012.22, F.S., defines the powers and duties of the district school board pertaining to public school personnel to include compensation and establishing salary schedules. In 2011, the Legislature amended this section of law by passing legislation that reformed instructional personnel compensation and employment practices.<sup>21</sup> Among other issues, the legislation required school districts to establish new performance salary schedules by July 1, 2014, to provide an opportunity for an annual salary adjustment based on performance.<sup>22</sup> Instructional personnel hired on or after July 1, 2014,<sup>23</sup> and instructional personnel on annual contracts as of July 1, 2014,<sup>24</sup> were placed on the performance salary schedule. Each district school board sets the minimum base salaries on the performance salary schedule and only classroom teachers rated effective or highly effective are eligible to receive a salary adjustment to their minimum base salary. Adjustments are in addition to the base salary and become part of the permanent base salary.<sup>25</sup>

A grandfathered salary schedule is a salary schedule adopted by a district school board for paying personnel hired before July 1, 2014, in which compensation is generally based on seniority and educational degree level.<sup>26</sup> In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation on the performance evaluation. In addition, the district must provide differentiated pay for instructional personnel based on district-determined factors including, but not limited to, additional responsibilities, school demographics, critical teacher shortage areas, and level of job performance difficulties.<sup>27</sup>

***Effects of the Bill***

The bill establishes the Teacher Salary Increase Allocation in the Florida Education Finance Program (FEFP) to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel. The amount of the allocation is specified in the General Appropriations Act

<sup>20</sup> Department of Education, Staff and Student Database, educational paraprofessionals are counted as "support staff" and not "instructional personnel" based on s. 1012.40, F.S.

<sup>21</sup> Chapter law 2011-1, Laws of Florida

<sup>22</sup> Section 1012.22(1)(c)5, F.S. Requirements for the performance evaluation are contained in s. 1012.34, F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 1012.22(1)(c)4, F.S.

<sup>25</sup> Section 1012.22(1)(c)1.a., F.S.

<sup>26</sup> Section 1012.22(1)(c)1.b., F.S.

<sup>27</sup> Section 1012.22(1)(c)4., F.S.

(GAA) and is allocated to each school district based on each school district's proportionate share of the Base FEFP funding.

Each school district and charter school is required to use the portion of the allocation as specified in the GAA to increase the minimum base salary for a full-time classroom teacher as defined in s.

1012.01(2)(a), Florida Statutes, to include certified prekindergarten teachers funded in the FEFP, to at least \$47,500 or to the maximum amount achievable based on the school district's portion of the allocation. The bill defines the term "minimum base salary" to mean the lowest annual base salary reported on the salary schedule for a full-time classroom teacher. **No full-time classroom teacher will receive a salary less than the minimum base salary as adjusted by this portion of the allocation.**

Additionally, each school district is required to use the portion of the allocation as specified in the GAA to provide salary increases to the following as determined by the school district:

- Full-time classroom teachers as defined in s. 1012.01(2)(a), Florida Statutes to include certified prekindergarten teachers funded in the FEFP but not including substitute teachers, who did not receive or who received an increase of less than 2 percent from the minimum base salary portion of the allocation.
- Other full-time instructional personnel as defined in s. 1012.01(2)(b)-(d), Florida Statutes.

If a school district has any remaining funds after complying with the requirements of the minimum base salary portion of the allocation, the school district may use such funds for the abovementioned salary increase portion of the allocation.

The Teacher Salary Increase Allocation does not apply to substitute classroom teachers.

Before distributing the allocation funds, each school district and charter school must develop a salary distribution plan and submit the plan to the school board or the charter school governing board for approval. By October 1<sup>st</sup>, the approved plan must be submitted to the Department of Education (DOE).

The bill includes specific reporting requirements for school districts, charter schools and the Department of Education.

The bill also clarifies that funds associated with the Teacher Salary Increase Allocation are not included in the calculated amounts for any scholarship awarded under chapter 1002.

### **Best and Brightest Teacher and Principal Scholarship Programs and Allocation**

#### ***Present Situation***

In 2015, the Legislature established the Florida Best and Brightest Teacher Scholarship Program to award scholarships to highly effective classroom teachers who demonstrate a high level of academic achievement.<sup>28</sup> In 2017, the Legislature established the Florida Best and Brightest Principal Scholarship Program to provide funds to school principals who recruit and retain a high percentage of the best and brightest teachers.<sup>29</sup> In 2019, the Legislature revised the Best and Brightest Teacher Scholarship Program to remove a teacher's scores on qualifying academic assessments as a factor in determining eligibility for the award and created the Florida Best and Brightest Teacher and Principal Allocation in the Florida Education Finance Program (FEFP).<sup>30</sup>

The Florida Best and Brightest Teach Scholarship Program authorizes three types of monetary awards for teachers:<sup>31</sup>

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<sup>28</sup> Specific Appropriation 99A, chapter 2015.232, L.O.F.

<sup>29</sup> Section 47, chapter 2017-116, L.O.F.

<sup>30</sup> Section 19-20, chapter 2019-23, L.O.F.

<sup>31</sup> Section 1012.731, F.S.

- Recruitment awards for newly hired teachers who are content experts in mathematics, science, computer science, reading, or civics.<sup>32</sup>
- Retention awards for teachers rated as “highly effective” or “effective” for the preceding school year and who taught in a school that 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 three years.
- Recognition awards for instructional personnel rates as “highly effective” or “effective” and selected by the school principal based on performance criteria and policies adopted by the district school board.

The Florida Best and Brightest Principal Program authorizes monetary awards to school principals based on school performance. A school principal is eligible for an award if the principal has been serving as school principal at his or her school for at least four consecutive school years, and the school has improved an average of three percentage points or more in the percentage of total possible points achieved for determining school grades over the prior three years.<sup>33</sup>

The Florida Best and Brightest Teacher and Principal Allocation provides the funding for the Best and Brightest Teacher and Principal Scholarship Programs. All award amounts for the programs are specified annually in the General Appropriations Act and distributed to each school district based on the district’s proportionate share of the Base FEPF funding.<sup>34</sup> For the 2019-2020 fiscal year, the Legislature appropriated \$284.5 million for the Best and Brightest Teacher and Principal Scholarship awards as follows:<sup>35</sup>

- One-time recruitment awards of up to \$4,000;
- Retention awards of \$2,500 for “highly effective” teachers and \$1,000 for “effective” teachers and;
- Principal awards of \$5,000.

If the calculated awards exceed the allocation, a school district may prorate the awards.<sup>36</sup> A school district may provide recognition awards for instructional personnel from funds remaining after the payment of all awards for teacher recruitment and retention and principals.

***Effect of the Bill***

The bill repeals the Florida Best and Brightest Teacher and Principal Scholarship Programs. The repeal of these programs and the associated allocation result in the elimination of these awards for eligible teachers, instructional personnel, and principals.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

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<sup>32</sup> The Florida Department of Education establishes the criteria, which is set forth in Rule 6A-1.0503, F.A.C., for determining which teachers qualify as content experts.

<sup>33</sup> Section 1012.732, F.S.

<sup>34</sup> Section 1011.62(18), F.S.

<sup>35</sup> Specific Appropriation 93, chapter 2019-115, L.O.F.

<sup>36</sup> Section 1011.62(18), F.S.

There were 1,317 Advanced Placement (AP) Capstone Diplomas awarded to Florida public school AP students in Fiscal Year 2018-2019.<sup>37</sup> Based on this data, and applying the Fiscal Year 2019-2020 base student allocation (BSA) of \$4,279.49 multiplied by 0.30 full-time equivalent (FTE) and then multiplied by the 1,317 students equals \$1,690,827. Based on the number of AP Capstone diplomas awarded in Fiscal Year 2020-2021, the Florida Education Finance Program (FEFP) would be redistributed to accommodate these students.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

School districts that offer the AP Capstone diploma may receive additional funding through the FEFP.

2. Expenditures:

None.

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

None.

**D. FISCAL COMMENTS:**

The Fiscal Year 2020-2021 General Appropriations Act appropriates \$500 million, in recurring funds from the General Revenue Fund, in the Florida Education Finance Program (FEFP) for the Teacher Salary Increase Allocation.

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<sup>37</sup> Email, The College Board, Government Relations (Jan 9, 2020).