

Measures Affecting Education:

Impact of 2016 Legislation
on
PreK-12 Public School
Full-Time Equivalent (FTE) Enrollment
and
Capital Outlay (CO) Full-Time Equivalent (FTE) Enrollment

PreK-12 Education Impact Conference
June 2, 2016

Conference Report

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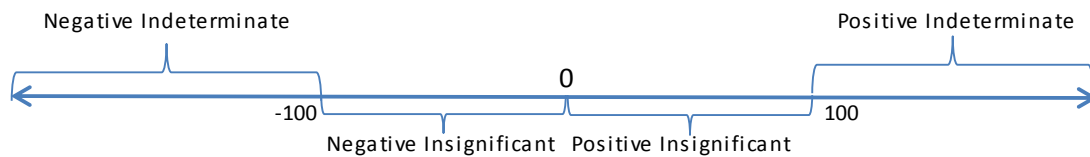
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Introduction

Seven bills enacted during the 2016 Regular Session contain provisions that may impact full-time equivalent (FTE) student enrollment for the Florida Education Finance Program (FEFP) or for capital outlay (CO) membership planning. All references to FTE in the discussion apply to FEFP FTE, unless otherwise specified. All impacts are the cumulative effects. Cumulative effects means that the estimate for each fiscal year can be applied directly against the adopted forecast. The table below illustrates what is meant by fiscal year cumulative impacts, where FY references to prior years are inclusive of modifications to that specific cohort which reflect the natural passage of time.

Fiscal Year (FY) Cumulative Impacts					
	FY 1	FY 2	FY 3	FY 4	FY 5
FTE Impact	FY 1 Annual Impact	FY 1 Annual Impact + FY 2 Annual Impact	FY 1 Annual Impact + FY 2 Annual Impact + FY 3 Annual Impact	FY 1 Annual Impact + FY 2 Annual Impact + FY 3 Annual Impact + FY 4 Annual Impact	FY 1 Annual Impact + FY 2 Annual Impact + FY 3 Annual Impact + FY 4 Annual Impact + FY 5 Annual Impact

Effects without specific numerical estimates are described as follows:



Wording	Meaning
Indeterminate (+/-)	The impact cannot be estimated as to level and direction, but the level is expected to be larger than or equal to +100 FTE or -100 FTE.
Positive Indeterminate	The impact cannot be estimated, but the level is expected to be positive and larger than or equal to +100 FTE.
Negative Indeterminate	The impact cannot be estimated, but the level is expected to be negative and larger than or equal to -100 FTE.
0 / Positive Indeterminate	The impact may be zero or it may be positive indeterminate.
0 / Negative Indeterminate	The impact may be zero or it may be negative indeterminate.
Insignificant (+/-)	The impact cannot be estimated as to direction, but the level is expected to be smaller than +100 FTE or -100 FTE.
Positive Insignificant	The impact is expected to be positive and the level is expected to be smaller than +100 FTE.
Negative Insignificant	The impact is expected to be negative and the level is expected to be smaller than -100 FTE.
0 / Positive Insignificant	The impact may be zero or it may be positive insignificant.
0 / Negative Insignificant	The impact may be zero or it may be negative insignificant.

**Summary Table of Cumulative Impacts for
FTE Enrollment and CO FTE Enrollment**

FTE Enrollment Impact					
	2016-17	2017-18	2018-19	2019-20	2020-21
HB 585 - Instruction for Homebound and Hospitalized Students	0	0	0	0	0
CS/HB 837 - Education Programs for Individuals with Disabilities	Positive Insignificant	Positive Insignificant	Positive Insignificant	Positive Insignificant	Positive Insignificant
CS/CS/HB 1365 - Competency-Based Education Pilot Program	(+/-) Insignificant	(+/-) Insignificant	(+/-) Insignificant	(+/-) Insignificant	(+/-) Insignificant
HB 5003- Capital Outlay Enrollment	0	0	0	0	0
CS/CS/HB 7029 - Controlled Open Enrollment	0	0/Positive Insignificant	0/Positive Insignificant	0/Positive Insignificant	0/Positive Insignificant
CS/CS/HB 7029 - Extension of Ages Eligible for Voluntary Prekindergarten	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate
SB 672, HB 5001 - Personal Learning Scholarship Accounts	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate
CO FTE Enrollment Impact					
	2016-17	2017-18	2018-19	2019-20	2020-21
HB 585 - Instruction for Homebound and Hospitalized Students	0	0	0	0	0
CS/HB 837 - Education Programs for Individuals with Disabilities	0	0	0	0	0
CS/CS/HB 1365 - Competency-Based Education Pilot Program	(+/-) Insignificant	(+/-) Insignificant	(+/-) Insignificant	(+/-) Insignificant	(+/-) Insignificant
HB 5003- Capital Outlay Enrollment	To be determined	0	0	0	0
CS/CS/HB 7029 - Controlled Open Enrollment	0	0	0	0	0
CS/CS/HB 7029 - Extension of Ages Eligible for Voluntary Prekindergarten	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate
SB 672, HB 5001 - Personal Learning Scholarship Accounts	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate	Negative Indeterminate

Detailed Bill Discussion

Issue: Instruction for Homebound and Hospitalized Students

Bill Number(s): HB 585

Entire Bill

Partial Bill:

Sponsor(s): Burgess; (CO-INTRODUCERS) Artiles; Avila; Edwards; Murphy; Perry; Rodrigues, R.; Sprowls

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2016

Date of Analysis: May 17, 2016

Section 1: Narrative

a. Current Law:

Homebound or hospitalized students are provided instruction by districts. Districts are required to provide for an appropriate program of special instruction, facilities, and services for exceptional students, within the school district system or through other arrangements that meet standards established by the Commissioner. They must also provide information describing the Florida School for the Deaf and Blind and all other programs and methods of instruction available.

b. Change:

This bill provides requirements and criteria for implementing that instruction, including requiring that any district containing a licensed children's specialty hospital shall enter into an agreement with the hospital establishing a process for the hospital to notify the district of students who may be eligible for this instruction.

Section 2: Description of Data and Sources

N/A

Section 3: Methodology (Include Assumptions and Attach Details)

The instruction of homebound or hospitalized students would not affect total FTE by grade as there are no reporting differences.

Section 4: Analysis

With no reporting differences there will be little to no impact on FTE by district by grade. This bill puts into law current practice.

Section 5: Cumulative FTE Enrollment and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	0	0
2017-18	0	0
2018-19	0	0
2019-20	0	0
2020-21	0	0

Issue: Education Programs for Individuals with Disabilities

Bill Number(s): CS/HB 837

Entire Bill

Partial Bill:

Sponsor(s): Education Committee; Bileca; Cortes, B.; (CO-INTRODUCERS) Artiles; Drake; Gaetz; Mayfield; Rodrigues, R.; Rooney

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2016

Date of Analysis: June 2, 2016

Section 1: Narrative

a. Current Law:

Section 1002.39, F.S. states that: *The parent of a student with a disability may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school if the student has met certain eligibility requirements.*

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a student with a disability may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) The student has:

1. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current individual educational plan developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973; or

2. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, prior school year in attendance means that the student was enrolled and reported by:

a. A school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

b. The Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12; or

c. A school district for funding during the preceding October and February Florida Education Finance Program surveys, was at least 4 years of age when so enrolled and reported, and was eligible for services under s. 1003.21(1)(e).

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship: (h) While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location;

Section 1002.41, F.S. states that: *Home education program students may receive testing and evaluation services at diagnostic and resource centers, in accordance with the provisions of s. 1006.03.*

Section 1007.271, F.S. states that: *The dual enrollment program for home education students consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree.*

b. Change:

CS/HB 837, Section 1 (Lines 98, 105-210):

A foster child is exempt from the requirement of spending the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind.

A student is not eligible for a John M. McKay Scholarship: While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program. To offer a transition-to-work program a private school must develop a plan (including a description of academic instruction and work skills training students will receive), submit the plan to the Office of Independent Education and Parental Choice, develop personalized transition-to-work programs plans for each student in the program, provide a release of liability form, assign a case manager to visit the job's site, provide quarterly progress and performance reports to the student and parent, and maintain accurate attendance and performance records for the student. The student must receive at a minimum 15 instructional hours at the private school's physical facility (which must include academic instruction and work skills training) and participate in a minimum of 10 hours of work at the student's volunteer or paid work experience. The business must maintain accurate records of the student's performance and hours worked, provide them to the private school, and comply by all state and federal child labor laws. The scholarship amount granted for an eligible student with disabilities is not subject to the maximum value for funding a student under s. 1011.61(4), F.S.

CS/HB 837, Section 2 (Lines 215-229):

Testing and evaluation services shall be available to home education program students, including, but not limited to, students with disabilities. School districts may provide exceptional student education-related services to a home education student and report the full time equivalent student for funding through the Florida Education Finance Program.

CS/HB 837, Section 4 (Lines 342-460):

Dual enrollment is an option for home education students, including, but not limited to, students with disabilities. Home education students must be responsible for his or her own instructional materials and transportation unless provided for in the articulation agreement. Postsecondary institutions eligible to participate in the dual enrollment shall complete and submit the home education articulation agreement to the Department of Education by August 1. Additionally, district school boards and the Florida College System institution shall complete and submit the dual enrollment articulation agreement to the Department of Education by August 1. Postsecondary institutions eligible to participate in dual enrollment shall include services and resources that are available to students with disabilities who register in a dual enrollment course and provide information regarding such services and resources to the Florida Center for Students with Unique Abilities. The Florida Department of Education shall provide articulation agreements specific to students with disabilities to the Center.

Section 2: Description of Data and Sources

From the Department of Children and Families (DCF), a breakdown by school type of all children in Out of Home Care who are 4+ years of age as of 9/1/2015 and who are either Agency for Persons with Disabilities (APD) eligible or have a Medical/Mental Health condition documented in the Florida Safe Families Network (FSFN) as a proxy for disability. These data showed that 13,609 children participate in DCF's Out of Home Care program. Of these children, up to 3,221 could possibly qualify for a John M. McKay scholarship based on a medical diagnosis. The majority of these students are currently participating in public school education, with 117 participating in private and 26 participating in home education.

Section 3: Methodology (Include Assumptions and Attach Details)

Assumptions:

- It is possible that all or most of the 117 foster students participating in private education are currently participating in a scholarship program such as John M. McKay Scholarship, Tax Credit Scholarship, or

Gardner Scholarship, resulting in 26 or so newly qualified foster students for the John M. McKay Scholarship.

- Excluding foster children from the prior public school enrollment requirement to qualify for the John. M. McKay scholarship may have a positive insignificant effect on the number of John M. McKay participants.
- Offering a transition-to-work program education option will not affect the number of John M. McKay scholarships available.
- Testing and services are already provided to home education students, including students with disabilities.
- Requiring articulation agreements to be completed by August 1 will neither increase or decrease participation in dual enrollment for home education students and public school students.

Section 4: Analysis

No impact.

Section 5: Cumulative FTE Enrollment and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	Positive Insignificant	0
2017-18	Positive Insignificant	0
2018-19	Positive Insignificant	0
2019-20	Positive Insignificant	0
2020-21	Positive Insignificant	0

Issue: Competency-Based Education Pilot Program

Bill Number(s): CS/CS/HB 1365

Entire Bill

Partial Bill:

Sponsor(s): Education Appropriations Subcommittee; Choice and Innovation Subcommittee; Rodrigues, R.; Sprowls; (CO-INTRODUCERS) Artiles; Diaz, M.; Perry; Slosberg; Smith

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2016

Date of Analysis: May 17, 2016

Section 1: Narrative

a. Current Law:

Florida public students have a variety of education programs to choose from for K-12 progression, including traditional, virtual, charter, Advanced Placement, International Baccalaureate, and dual enrollment education models.

b. Change:

This bill enables select school districts to participate in a competency-based education pilot program beginning in 2016-17. P.K. Yonge Developmental Research School along with Lake, Palm Beach, Pinellas, and Seminole County School Districts can apply to the Florida Department of Education to participate. The goals of this program will be monitored through student performance, promotion and retention rates, graduation rates, and indicators of college and career readiness. Students must satisfy requirements for grade-level promotion. Additionally, students will be reported for Florida Education Finance Program funding, with no difference in reporting methods compared to traditional education models.

Section 2: Description of Data and Sources

N/A

Section 3: Methodology (Include Assumptions and Attach Details)

1. The competency-based education program would not affect total FTE by grade as there are no reporting differences and students must satisfy requirements for grade-level promotion. The program may affect FTE by program as students may excel in a subject area beyond their grade level.
2. The competency-based education program can be offered at the classroom, grade, school, or districtwide level. It is likely that school districts would start at the classroom level.

Section 4: Analysis

With no reporting differences and same standards for grade-level promotion there will be little to no impact on FTE by district by grade. Any shifts that occur by program is dependent on student behavior and preference.

Section 5: Cumulative FTE Enrollment and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	(+/-) Insignificant	(+/-) Insignificant
2017-18	(+/-) Insignificant	(+/-) Insignificant
2018-19	(+/-) Insignificant	(+/-) Insignificant
2019-20	(+/-) Insignificant	(+/-) Insignificant
2020-21	(+/-) Insignificant	(+/-) Insignificant

Note: May result in more students passing end of course exams without taking or completing the course, generating additional FTE subject to 1.0. Increased levels of early graduation may result in an increase of early graduation “add on” FTE.

Issue: Capital Outlay Enrollment

Bill Number(s): HB 5003

Entire Bill

Partial Bill: Section 27

Sponsor(s): Appropriations Committee; Corcoran

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2016

Date of Analysis: June 2, 2016

Section 1: Narrative

a. Current Law:

Section 1013.64(3)(a), F.S.: The capital outlay full-time equivalent membership is determined for kindergarten through the 12th grade instruction in district owned facilities by calculating the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses.

b. Change:

Section 27 (Lines 1841-1915): The capital outlay full-time equivalent membership is determined for prekindergarten exceptional education students and kindergarten through the 12th grade instruction in district owned facilities by summing the unweighted membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The second survey count is compared on a school-by-school basis with the third survey count from the prior academic year. If the prior year's third survey count is higher than the current year's second survey count, then the current capital membership is the sum of the current year's second survey count and the prior year's third survey count.

Section 2: Description of Data and Sources

Capital Outlay FTE data is derived from the Florida Student Database, Education Information and Accountability Services.

Section 3: Methodology (Include Assumptions and Attach Details)

The Capital Outlay FTE by survey by school was gathered. All calculations were completed at the school level. This calculation took the total FTE by school for the current, or target, year survey 2 (CYS2) and compared it to the prior year survey 3 (PYS3).

- If PYS3 was greater than CYS2, then CYS2 and PYS3 were summed to determine 1.0 FTE membership.
- If CYS2 was greater than PYS3, then the CYS2 was multiplied by 2 to determine 1.0 FTE membership.

Section 4: Analysis

The level shift for 2014-15 was approximately 27,500 and 2015-16 was 28,500 FTE. The FTE level increased in all but two districts and resulted in an overall level increase equivalent to 1.2% of traditional COFTE each year. The expected impact on 2016-17 COFTE is a 27,500 to 29,500 FTE level shift.

Section 5: Cumulative FTE and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	0	To be determined
2017-18	0	0
2018-19	0	0
2019-20	0	0
2020-21	0	0

*Only a one-year impact is estimated since the language is within the implementing bill. Since the law does not take effect until July 1, 2016, the capital outlay estimating conference held in June 2016 will not reflect this law. Instead, it will reflect current law / current administration.

Issue: Controlled Open Enrollment

Bill Number(s): CS/CS/HB 7029

Entire Bill

Partial Bill: CS/CS/HB 7029, Section 4 and Section 5

Sponsor(s): Education Committee and Education Appropriations Subcommittee and Choice & Innovation Subcommittee and Cortes, B. and Diaz, M. (CO-SPONSORS) Adkins; Artiles; Fresen

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2017

Date of Analysis: May 17, 2016

Section 1: Narrative

a. Current Law:

Section 1002.20(6)(a), F.S. states: *parents of public school students may seek whatever public school choice options that are applicable and available to students in their school districts.*

Additionally, s. 1002.31, F.S. outlines the process for current controlled open enrollment district policies. This statute defines "controlled open enrollment" as *a public education delivery system that allows school districts to make student school assignments using parent's indicated preferential school choice as a significant factor.* Each district may offer controlled open enrollment and must adopt by rule and post on its website a controlled open enrollment plan which must:

- a) *Adhere to federal desegregation requirements.*
- b) *Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.*
- c) *Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.*
- d) *Afford parents of students in multiple session schools preferred access to controlled open enrollment.*
- e) *Maintain socioeconomic, demographic, and racial balance.*
- f) *Address the availability of transportation.*

Each district school board shall annually report the number of students attending the various types of public schools of choice. Controlled open enrollment students are currently reported in the Automated Student Information System under the data element "Educational Choice" as code A.

Controlled open enrollment does not allow a student to cross district boundaries. However, students may cross district boundaries if the sending and recipient district enter into an inter-district agreement to allow the student to enroll in classes in a school outside of their resident school district.

b. Change:

CS/CS/HB 7029, Section 4 Lines 429-432:

Revises s. 1002.20(6)(a), F.S. to read: *Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state.*

CS/CS/HB 7029, Section 4 Lines 490-492:

Revises s. 1002.20(22)(a), F.S. to read: *Public school students may be provided transportation to school in accordance with the controlled open enrollment provisions of s. 1002.31(2), F.S.*

CS/CS/HB 7029, Section 5 Lines 502-582:

Beginning by the 2017-18 school year *each district school board or charter school shall allow a parent from any school district in the state whose child is not subject to a current expulsion or suspension to*

enroll his or her child in and transport his or her child to any public school, including charter schools, that has not reached capacity in the district, subject to the maximum class size pursuant to s. 1003.03, F.S. and s. 1, Art. IX of the State Constitution. The school district or charter school shall accept the student pursuant to that school district's or charter school's controlled open enrollment process, and report the student for purposes of the school district's or charter school's funding pursuant to the Florida Education Finance Program. A school district or charter school may provide transportation to students described under this section.

Determinations for capacity must be current and identified on the school district's or charter school's website. For district school boards, capacity *shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. Each charter school governing board shall determine capacity based upon its charter school contract.*

Each district school board must provide preferential treatment in its controlled open enrollment process to all of the following: dependent children of active duty military personnel whose move resulted from military orders; children who have been relocated due to a foster care placement in a different school zone; children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; and students residing in the school district.

Students residing in the district, including charter school students, may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process. Students who transfer under open enrollment may remain at the school chosen by the parent until the student completes the highest grade level at the school.

The rules by which district school boards must create their open enrollment plans include the original requirements in s. 1002.31(3), F.S., along with the following three additional requirements: *the need to maintain existing academic eligibility criteria for public school choice programs pursuant to s. 1002.20 (6)(a), F.S.; identify schools that have not reached capacity as determined by the school district; and ensure that each district school board adopts a policy to provide preferential treatment pursuant to paragraph (2)(c).* Paragraph (2)(c) refers to the amended 1002.31(2)(c) as a result of this bill.

Section 2: Description of Data and Sources

1. Table 1 shows the current number of students in intra-district controlled open enrollment for the state. Table 2 shows the top five districts with the highest levels of controlled open enrollment. These data were requested from FLDOE's Accountability and Reporting office and come from FLDOE's Automated Student Information System under the data element "Educational Choice" as code A. Caution should be used in interpreting these data because students were unduplicated based on their student ID number, but student's may have been assigned more than one student ID number in the same district in the same year.
2. Table 3 shows the number of PK-12 students who have residency in a different Florida school district other than where they are enrolled. Table 4 shows the top five districts with the highest levels of enrolled students who reside in another Florida county. This data comes from FLDOE's Accountability and Reporting office and is based on comparing an enrolled student's resident district with their district of enrollment.

Section 3: Methodology (Include Assumptions and Attach Details)

1. This analysis assumes that the law change will enable more parents to participate in controlled open enrollment.
2. The number of students who have residency in a Florida school district other than their school district of enrollment shows how many students are crossing district boundaries under current law.

3. FLDOE does not collect data on denied controlled open enrollment applications and entered district agreements. These data may be collected at the district level, but are not available for this analysis. Denied applications could provide an indication of how many parents would like to participate in open enrollment within and outside their resident district, but were not able to.

Section 4: Analysis

The removal of district residency restrictions may increase the participation in the school choice option, but the effect is expected to be minimal. Students are already able to apply for an inter-district agreement for the purposes of enrolling in a school outside of their district of residency, which may mitigate the impact of the law change. For those additional students who do shift among districts, it would result in a zero net effect on FTE for the state, but may have a significant effect on FTE at the district level. A possible impact is that private school or home education students may be attracted to the public education system because they have less restrictions to attend a public school across a school zone or a district boundary. These students would increase public school enrollments because they are currently educated outside the public school system.

However, any shifts among districts or the addition of new public education enrollments is dependent on parental behavior and school preference that cannot be reliably aggregated across geographies and as such cannot be forecasted with accuracy. As such, the anticipated impact is zero to positive insignificant beginning in 2017-18.

Section 5: Cumulative FTE Enrollment and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	0	0
2017-18	0/Positive Insignificant	0
2018-19	0/Positive Insignificant	0
2019-20	0/Positive Insignificant	0
2020-21	0/Positive Insignificant	0

Note: The impact shown above is for the state, as the impact may vary by district. Additionally, there could be added volatility to district forecasts. There may be several impacts to education funding, including: the distribution of FTE among districts which also affects RLE and class size calculations and capital outlay work plans.

**Attachment A – Controlled Open Enrollment
Tables**

Table 1. Current Levels of Open Enrollment using the Data Element Educational Choice, 2011-12 through 2014-15

School Year	Total Members	Open Enrollment	District's 1-67 with Open Enrollment	Percent of District's 1-67 with Open Enrollment
2014-15	3,006,756	279,802	53	79%
2013-14	2,960,937	272,816	52	78%
2012-13	2,932,176	263,619	52	78%
2011-12	2,900,947	341,211	52	78%

Note: Student counts are unduplicated using the student ID. So if a student moved from one school to another within the same district within the same school year, was assigned a different student ID# and was coded "Open Enrollment – A" at each school, that student is counted for each school of enrollment within that district. For this reason, caution should be used when calculating percentages from the total membership. (Source: FLDOE Accountability and Reporting, PK-20 Education Reporting and Accessibility Data Request May 5, 2016)

Table 2. Top 5 Districts with the Highest Current Levels of Open Enrollment using the Data Element Educational Choice, 2011-12 through 2014-15

School Year	District	Total Members	Number of Open Enrollment Students
2014-15	LEE	95,512	75,281
	ST. LUCIE	43,523	28,511
	BROWARD	286,518	23,375
	DADE	382,191	16,831
	CHARLOTTE	17,751	16,306
2013-14	LEE	93,663	73,645
	ST. LUCIE	44,103	28,386
	BROWARD	282,690	20,407
	DADE	380,337	16,674
	CHARLOTTE	17,865	16,437
2012-13	LEE	92,053	72,417
	ST. LUCIE	44,023	28,116
	DADE	376,576	18,749
	CHARLOTTE	17,876	16,507
	HILLSBOROUGH	215,270	14,185
2011-12	PINELLAS	114,253	84,085
	LEE	90,218	70,984
	ST. LUCIE	43,350	28,150
	DADE	372,237	22,299
	CHARLOTTE	18,532	17,327

Note: Student counts are unduplicated using the student ID. So if a student moved from one school to another within the same district within the same school year, was assigned a different student ID# and was coded "Open Enrollment – A" at each school, that student is counted for each school of enrollment within that district. For this reason, caution should be used when calculating percentages from the total membership. (Source: FLDOE Accountability and Reporting, PK-20 Education Reporting and Accessibility Data Request May 5, 2016)

Table 3. Current Levels of Students who do not have the same Florida County of Enrollment and Residency, 2011-12 through 2014-15

School Year	Total Enrolled	Number Enrolled Residing in Other County (1-67)	Percent of Enrolled Students who Reside in Another County	Number of Districts with at least one enrolled student who Resides in Other County (1-67)
2014-15	2,762,515	26,954	1%	66
2013-14	2,727,323	27,073	1%	66
2012-13	2,737,447	25,419	1%	65
2011-12	2,694,967	22,520	1%	65

Note: Nearly all 67 districts had at least one enrolled student who resides outside of their county for the years in this table. Districts who did not have one of these students include Franklin (2013-14, 2012-13, and 2011-12), Gadsden (2014-15 and 2012-13), and Jefferson (2011-12). (Source: FLDOE Accountability and Reporting, PK-20 Education Reporting and Accessibility Data Request May 13, 2016)

Table 4. Top 5 Districts with the Highest Current Levels of Enrolled Students who do not Reside in the County, 2011-12 through 2014-15

School Year	District	Total Enrolled	Number Enrolled Residing in Other County (1-67)	Percent of Enrolled Students who Reside in Another County
2014-15	SUMTER	8,317	1,536	18.5%
	OSCEOLA	59,445	1,298	2.2%
	HILLSBOROUGH	208,006	1,196	0.6%
	BROWARD	266,812	1,073	0.4%
	CLAY	35,864	693	1.9%
2013-14	SUMTER	8,302	2,191	26.4%
	OSCEOLA	58,316	1,305	2.2%
	HILLSBOROUGH	203,883	1,247	0.6%
	BROWARD	263,500	1,002	0.4%
	OKALOOSA	30,338	675	2.2%
2012-13	SUMTER	8,046	2,008	25.0%
	OSCEOLA	57,132	1,362	2.4%
	HILLSBOROUGH	204,006	995	0.5%
	BROWARD	266,173	905	0.3%
	OKALOOSA	30,237	811	2.7%
2011-12	SUMTER	7,822	1,805	23.1%
	OSCEOLA	55,158	1,340	2.4%
	BROWARD	261,226	1,004	0.4%
	HILLSBOROUGH	199,918	907	0.5%
	OKALOOSA	29,712	841	2.8%

(Source: FLDOE Accountability and Reporting, PK-20 Education Reporting and Accessibility Data Request May 13, 2016)

Issue: Extension of Ages Eligible for Voluntary Prekindergarten

Bill Number(s): CS/CS/HB 7029

Entire Bill

Partial Bill: CS/CS/HB 7029, Section 6

Sponsor(s): Education Committee and Education Appropriations Subcommittee and Choice & Innovation Subcommittee and Cortes, B. and Diaz, M. (CO-SPONSORS) Adkins; Artiles; Fresen

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2016

Date of Analysis: May 17, 2016

Section 1: Narrative

a. Current Law:

Eligibility and enrollment into the State's Voluntary Prekindergarten (VPK) Education Program is addressed in s. 1002.53, F.S. In fact, s. 1002.53(2), F.S. addresses the age eligibility requirements, as follows:

Each child who resides in this state who will have attained the age of 4 years on or before September 1 of the school year is eligible for the Voluntary Prekindergarten Education Program during that school year. The child remains eligible until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school under s. 1003.21(1)(a)2 or until the child is admitted to kindergarten, whichever occurs first.

Section 1003.21(1)(a), F.S. specifies that school attendance is mandatory for children based on their age and their birthday. This is shown from the following:

Section 1003.21, F.S. School attendance --

(1)(a)

1. *All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as otherwise provided, are required to attend school regularly during the entire school term.*
2. *Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules adopted by the district school board.*

(1)(b)

Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a private school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's student progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of private schools or home education programs.

Thus, parents currently have an option to delay the start of a child's K-12 education until they are 6 years of age, or if they will be 6 by February 1st. However a student may only attend VPK for the school year in which they are 4 years old on or before September 1st.

b. Change:

Section 1003.21(1), F.S. does not change. What does change is an expansion of the age eligibility requirements for a child in Florida's VPK program under s. 1002.53(2), F.S. The change allows a child to either be 4 on or before September 1 or be 5 on or before September 1 of the following school year.

However, the child remains eligible until they are either admitted to kindergarten or will have attained the age of 6 by February 1 of the school year.

The possible configurations for VPK may be:

- 4 on or before September 1st
- 5 on or before September 1st, but not 6 by February 1st (those children born from February 1st through September 1st)

Section 2: Description of Data and Sources

Data was requested from the Florida Department of Education's Accountability, Research and Measurement Office. These data showed the number of first time kindergarten children that were age 6 and age 5 by grade promotion status from the final 2013-14 survey 5 and the preliminary 2014-15 survey 5 data.

Section 3: Methodology (Include Assumptions and Attach Details)

After review of the data, the methodology utilized the following assumptions:

- The number of 6 year old students that enter kindergarten for the first time is rather stable (Attachment A).
- Very few if any children will split the year between VPK and kindergarten because the offer of VPK is not sufficient enough to alter a parent's decision about when their child starts kindergarten.
- The behavior change is unknown for students that currently enter kindergarten at age 5 and are retained (Attachment A); as to whether their parents would have the foresight to delay entry into kindergarten given the option to enter VPK a year later. In determining whether the impact will be insignificant (less than 100 FTE) or indeterminate (greater than 100 FTE), the 100 FTE threshold means that enough parents would have to act in this manner so that the statewide district average of retained kindergartners decreased by at least one and a half FTE.

Section 4: Analysis

The number of children in kindergarten for the first time at age 6 was 2,115 in FY 2013-14 and 2,164 in FY 2014-15. Using kindergarten membership from Survey 2 for FY 2013-14 and FY 2014-15, this represents approximately 1% of kindergarten students in FY 2013-14 and FY 2014-15.

Additionally, there were 5,291 first time 5 year old kindergartners who were retained in 2013-14 (3.7%) and 4,525 who were retained in 2014-15 (3.2%). If a parent of an eligible student who is at risk of retention in kindergarten identifies their preference early and delays VPK, it could result in additional shifts in the year that the student starts kindergarten. Also this new law may result in one less year in the public school system, lowering the retention rate in kindergarten.

The change in policy to allow 5 year olds to enter Voluntary Prekindergarten is not anticipated to have a significant effect on the shift in the grade/program forecast.

Section 5: Cumulative FTE Enrollment and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	Negative Indeterminate	Negative Indeterminate
2017-18	Negative Indeterminate	Negative Indeterminate
2018-19	Negative Indeterminate	Negative Indeterminate
2019-20	Negative Indeterminate	Negative Indeterminate
2020-21	Negative Indeterminate	Negative Indeterminate

Attachment A – Extension of Ages Eligible for Voluntary Prekindergarten

Grade Promotion Code	First Time Kindergarten - Age 5		First Time Kindergarten - Age 6	
	Final FY 2013-14 Survey 5 Data	Preliminary FY 2014-15 Survey 5 Data	Final FY 2013-14 Survey 5 Data	Preliminary FY 2014-15 Survey 5 Data
Retained in Kindergarten (Code R)	5,291	4,525	51	45
Academically Promoted (Code P)	127,482	125,141	1,748	1,802
Promoted to the next grade without meeting levels of performance (Code A)	1,363	1,402	31	48
Sub Total*	134,136	131,068	1,830	1,895
All Students	143,780	140,368	2,115	2,164

*Other grade promotion codes for students not shown in this table include: Code D) a student with disabilities, or a non-disabled student, opts to remain in school for an additional year; Code N) not enrolled in a KG-12 program in the district at the end of the school year; Code Z) not applicable.

Issue: Personal Learning Scholarship Accounts

Bill Number(s): SB 672, HB 5001

Entire Bill

Partial Bill: SB 672 Section 5 / HB 5001 Section 19

Sponsor(s): Gaetz; (CO-INTRODUCERS) Hukill / Appropriations Committee; Corcoran

Effective Date: July 1, 2016

Month/Year Impact Begins: July/2016

Date of Analysis: May 17, 2016

Section 1: Narrative

a. Current Law:

The Personal Learning Scholarship Accounts (PLSAs) program was established by the 2014 Legislature. This program enables a parent to utilize funds in the account for a variety of purposes (such as: instructional materials, curriculum, specialized services by approved providers, enrollment in eligible private schools, assessment fess, and Florida Prepaid College Program contributions). In FY 2014-15 the program was available for Florida resident students in K-12 that has a disability as defined in s. 393.063(3), F.S; who was the subject of an Individual Education Plan (IEP) or had received a diagnosis of a disability from a licensed physician or psychologist.

In addition, a student was not eligible for the PLSA program under a list of conditions. These included being enrolled in a public school or a school providing services to youth in the Department of Juvenile Justice; while receiving a scholarship (Tax Credit Scholarship Program or McKay Scholarship, or any other educational scholarship as per chapter 1002, F.S.); if the student or parent had accepted any payment, refund, or rebate from a provider for services rendered while in the PLSA program; or if participation had been denied or revoked.

In Special Session 2015A, the eligibility requirements were amended for FY 2015-16 only through the Implementing Bill to increase eligibility by expanding the definition of autism, adding muscular dystrophy to the definition of disabilities, including 3- and 4- year olds with a specified disability. The implementing bill also specifically added tuition and part-time tutoring services to the list of specialized services that the scholarship could be used for. It also detailed the information that the parent must include as a final condition of eligibility.

The implementing bill language also specified priority for renewals from the FY 2014-15 school year, and indicated that new preference must first be provided to students retained on a wait list created by the organization in the order that completed applications are approved.

b. Change:

SB 672 renames the Personal Learning Scholarship Account program to the Gardiner Scholarship. It also codifies the changes that were in the Special Session 2015A Implementing Bill in addition to the following:

- Increases funding the Gardiner Scholarships from \$55.0 million in FY 2015-16 to \$71.2 million in recurring General Revenue funds in FY 2016-17. In addition, overhead (3% - \$1,601,942) was included in the FY 2015-16 amount, reducing the amount available for scholarships to \$53,398,058, while for FY 2016-17 overhead was appropriated separately, \$2,136,000.
- For initial eligibility for the program, students will receive tiered amounts of funding as determined by eligibility deadlines. For those determined eligible by the organization on or before:
 - September 1 – 100% of the total awarded funds
 - November 1 – 75% of the total awarded funds
 - February 1 – 50% of the total awarded funds

- April 1 – 25% of the total awarded funds
- Allows parents / students to receive funds upon submission of a final verification document prior to the department confirming program eligibility pursuant to paragraph (9)(e); unless the child is 3- or 4- year olds, then they will receive the full scholarship award at the beginning of the fiscal year. The final verification document information is similar to what was in the FY 2015-16 implementing bill, however now it is not mandatory.
- Expanded the list of possible purposes that the Gardiner Scholarship program funding may be used for to include items such as: home education program; summer education programs; after-school education programs; transition services provided by job coaches; tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers and school readiness providers; and the Florida College Savings Program.

HB 5001 Section 19, states: *The unexpended balance of funds provided to the Department of Education for the Personal Learning Scholarship Accounts in Specific Appropriation 105 and Section 27 of chapter 2015-232, Laws of Florida, is hereby reverted and reappropriated for the Fiscal Year 2016-2017 for the Gardiner Scholarship Program.*

Section 2: Description of Data and Sources

Data was obtained from a variety of sources to evaluate the possibility of inclusion in the analysis. These included the following:

- Personal Learning Scholarship Account program data for funded students as of May 9, 2016 by grade and renewal status was obtained from Step Up for Students for FY 2014-15 and FY 2015-16.
- Personal Learning Scholarship Account program grade progression data from Step Up for Students for the renewals from FY 2014-15 into FY 2015-16 funded students as of May 9, 2016.
- Grade progression rates from the Florida Department of Education (FLDOE) PK-12 Portal for students with disabilities for FY 2012-13 through 2015-16 accessed on March 4, 2016.

Section 3: Methodology (Include Assumptions and Attach Details)

After review of the data, the methodology utilized the following assumptions:

- The Scholarship Funding Organization (SFO), Step Up For Students, will continue to manage nearly all of the PLSA scholarships as they have done in the past. Additionally, the minimal number of PLSA scholarships managed by the other SFO for PLSA scholarships, AAA Scholarship Foundation, will reflect similar trends as found in the data from Step Up for Students.
- No grade progression ratio can be used at this time.
 - PLSA program grade data are limited for four reasons:
 - There is only year of available grade progression ratios;
 - Parent reported grade data seems to be increasing reporting error for grade determinations (46 out of 1,299 students that received a PLSA scholarship in both FY 2014-15 and FY 2015-16 were either demoted by at least one grade or promoted by 2 grades or more; see Table 1);
 - Home education students receiving scholarships can be difficult to categorize by grade (359 home education students are renewals from FY 2014-15, which is about 27% of renewals in 2015-16); and
 - Students with disabilities found in the PLSA program can be difficult to categorize by grade based on their various levels of ability.
 - Grade progression ratios from FLDOE's Student PK-12 Portal for students with disabilities were not used for three reasons:
 - They include students that move into and out of the public school system, and thus are not comparable to the closed PLSA program renewals;
 - The disabilities defined in the Student Portal and PLSA eligible disabilities did not completely match; and

- These grade progression ratios were very close to “1” for all grades and would have had a minimal impact on the analysis that could result in more error than accuracy.
- The distribution of grades will remain the same in the forecast as was experienced in FY 2015-16. (See Table 2)
- The roll-over funds based on HB 5001 are not expected to bring in more students to the PLSA (Gardiner) program. While the roll-over funds do allow for more scholarships, they do not guarantee more students considering that PLSA funds already increased in FY 2016-17 and funds for FY 2014-15 and FY 2015-16 funds did not max out. In FY 2014-15, \$18.4 million was appropriated through the GAA for PLSA scholarships and 1,529 students were funded with a total of \$15,171,258.63 (82% of funds expended). In 2015-16, \$53,398,058 was appropriated through the GAA for PLSA scholarships and Step Up for Students approximates that 4,500 students will be funded with a total of \$47 million (~88% of funds expended).
- The average award level for FY 2016-17 is unknown due to the implementation of a tiered award process. In FY 2014-15 and FY 2015-16, it was expected that the average award level would be approximately \$10,000 per scholarship, which is based on funding for students at the 253 support level. The tiered award process is expected to lower the average scholarship award and allow for more scholarships.

Section 4: Analysis

The number of students participating in the Gardiner Scholarship program will increase as the program matures.

- This is due to the renewal preference policy and the influx of new students into the program. Students can come from the public school, home school, or a private school setting. In FY 2015-16 as of May 9, 2016, there were 3,043 students who received a funded scholarship for the first time, of which 839 (28%) students came from a charter, public, or Florida Virtual school according to Step Up for Students.

Since the number of participants is uncertain due to program maturity, increased funding, and the changing average award level, the impact for FY 2016-17 and on is assumed to be negative indeterminate.

Section 5: Cumulative FTE Enrollment and CO FTE Enrollment Impacts

	Cumulative Impact	
	FTE	CO FTE
2016-17	Negative Indeterminate	Negative Indeterminate
2017-18	Negative Indeterminate	Negative Indeterminate
2018-19	Negative Indeterminate	Negative Indeterminate
2019-20	Negative Indeterminate	Negative Indeterminate
2020-21	Negative Indeterminate	Negative Indeterminate

Attachment A – Personal Learning Scholarship Accounts

Table 1. Summary of Parent Reported Funded PLSA (Gardiner) Student Grade Progression between FY 2014-15 and FY 2015-16 as of May 9, 2016

Parent Reported Grades by Type of Grade Progression	Number of Students	Percent of Students
Funded in FY 2014-15 and FY 2015-16	1,299	100.0%
Progressed 1 grade	1,130	87.0%
Retained in same grade	123	9.5%
Progressed 2 grades or more	35	2.7%
Demoted at least 1 grade	11	0.8%

(Source: Step Up For Students Data Request received May 9, 2016)

Table 2. Count of Parent Reported Funded PLSA (Gardiner) Students in 2015-16 by grade and renewal status as of May 9, 2016

Parent Reported Student Grade	Count of Funded Students in FY 2015-16	Percent Renewal from FY 2014-15	New to FY 2015-16	Renewals from FY 2014-15
3 year old	193	0.5%*	192	1*
4 year old	226	0.0%	226	
Kindergarten	449	3.3%	434	15
First	303	36.3%	193	110
Second	326	35.0%	212	114
Third	328	36.9%	207	121
Fourth	338	35.5%	218	120
Fifth	357	40.3%	213	144
Sixth	387	32.0%	263	124
Seventh	333	33.3%	222	111
Eighth	318	37.1%	200	118
Ninth	281	38.1%	174	107
Tenth	217	37.8%	135	82
Eleventh	163	42.3%	94	69
Twelfth	144	58.3%	60	84
Total	4,363	30.3%	3,043	1,320

*This is a reporting error because a 3 year old renewal is not possible since 2015-16 is the first year 3 year olds were eligible for the program and a student can only be 3 years old once. (Source: Step Up For Students Data Request received May 9, 2016)

Notes

The pre-Conference report had the Proposed Impact, while this final document has the Adopted Impact.