STORAGE NAME: h0117.edk
DATE: March 26, 1999

HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
EDUCATION K-12
ANALYSIS

BILL #: HB 117

RELATING TO: Teacher Learning Enhancement and Assistance Program

SPONSOR(S): Representatives Brown, Bullard, Crist and Heyman

COMPANION BILL(S): SB 766 (I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) EDUCATION INNOVATION YEAS 6 NAYS 0
(2) REGULATED SERVICES YEAS 7 NAYS 0
(3) EDUCATION K-12
(4) EDUCATION APPROPRIATIONS
(5)

I. SUMMARY:

HB 117 provides an estimated amount of $250 to teachers and instructional personnel to assist teaching and learning. The funds are to be appropriated from the Education Enhancement "Lottery" Trust Fund with a provision to replace the lottery funds expended with a proportional increase in general revenue funds to the Florida Education Finance Program (FEFP).

The bill provides funds for "eligible classroom teachers" as well as "eligible instructional specialists." An eligible classroom teacher is defined as a certified teacher whose responsibility is classroom instruction in prekindergarten through grade 12. An eligible instructional specialist is a certified school district employee who provides guidance services, job training or vocational services, media services, or other curriculum-related services. Eligible classroom teachers and instructional specialists who are full-time district employees are to be funded at the maximum level. Part-time eligible personnel who are employed by a district at least 50 percent of the time will receive 50 percent of the amount that full-time eligible personnel receive. The funds are to be deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher. The goods purchased under this provision are to be considered classroom supplies and maintained as such.

The program is similar to the Teachers Lead Program established during the 1997 Special Session. The appropriation for the Teachers Lead Program in 1997 was $31.5 million (which furnished $250 per teacher). The Teacher's Lead Program was also funded in proviso in 1998 for $13 million (which provided $100 per teacher).

The Teacher Learning Enhancement Program allows participation by more than the narrow definition of "classroom teacher" defined in the Teacher's Lead Program. In 1998-99 there were, according to DOE, 144,324 personnel eligible for the Teacher Learning Enhancement Program. With a supplement of $250 the approximate cost of this program will be just over $36 million, not including part-time personnel who are eligible to receive $125 under the provisions of this bill.

The bill would take effect on July 1, 1999.

One "Strike Everything" Amendment by the Education Innovation Committee and an amendment to that amendment by the Regulated Services is traveling with the bill.

*The **Education Innovation** amendment made the following changes:*

- *Changes amount of funds provided to eligible instructional personnel from $250 to $100.*
- *Renames "eligible instructional specialist" to "eligible instructional personnel"*
- *Defines "eligible instructional personnel" as a certified school district employee who:*
  - *is a teacher whose responsibility is classroom instruction of students funded through the FEFP;*
  - *provides vocational-technical education, or adult education;*
  - *provides pupil personnel services; or*
  - *is a librarian or media specialist.*
- *Repeals Florida Teachers Lead Program.*

*The **Regulated Services** amendment to the Education Innovation amendment replaces both the $250 & $100 allotments with "an amount estimated to provide up to $250" and further redefines "eligible instructional personnel" to delete vocational-technical and adult education instructors*.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

In 1986, the voters amended Florida's Constitution to allow state operated lotteries. The Florida Public Education Lottery Act, Chapter, 24, F.S., passed in 1987 to implement Section 15 of Article X of the State Constitution, providing statutory framework for the state lottery. The intent of the Legislature as established in s. 24.102(2)(a), F.S., was to use the net proceeds of the lottery games to "support improvements in public education and that such proceeds are not used as a substitute for existing resources for public education."

Allocation of Lottery Funds

The guidelines for allocation of revenues and the expenditure of funds from the lottery are found in s. 24.121, F.S., and are as follows:

- As nearly as practical, at least 50 percent of the gross revenue from the sale of lottery tickets is returned to the public in the form of prizes.

- Each fiscal year, at least 38 percent of the gross revenue and other earned revenue is deposited in the Educational Enhancement Trust Fund, which is administered by the Department of Education. The Department of the Lottery will transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund will be used to the benefit of public education.

- A maximum of $180 million of lottery revenues transferred to the Educational Enhancement Trust Fund in fiscal year 1997-1998 and for 30 years thereafter will be reserved as needed and used to meet the requirements of the bonds issued by the state or distributed to school districts for the Classrooms First Program. Such lottery revenues are pledged to the payment of debt service on bonds issued by the state which are to be payable from the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year.

- The amounts distributed through the Classrooms First Program will equal $145 million in each fiscal year. These funds are intended to provide up to $2.5 billion for public school facilities.

- The funds remaining in the Administrative Trust Fund (12 percent of gross revenue) after transfers to the Educational Enhancement Trust Fund is used for the payment of administrative expenses of the department. These expenses will include all costs incurred in the operation and administration of the lottery and all costs resulting from any contracts entered into for the purchase or lease of goods or services required by the lottery, including, but not limited to:

  - Compensation paid to retailers;
  - Costs of supplies, materials, tickets, independent audit services, independent studies, data transmission, advertising, promotion, incentives, public relations, communications, security, bonding for retailers, printing, distribution of tickets, and reimbursing other governmental entities for services provided to the lottery; and
  - Costs of other necessary goods and services to implement the lottery.

- The unencumbered balance which remains in the Administrative Trust Fund at the end of each fiscal year will be transferred to the Educational Enhancement Trust Fund.

- Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

- Except as previously stated, the Legislature equitably apportions moneys in the trust fund among public schools, community colleges, and universities.

- A portion of net revenues, as determined annually by the Legislature, is distributed to each school district and will be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan. A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. A principal may not override the recommendations of the school advisory council or the parent advisory committee.

- These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than one year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

- No funds will be released from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan or do not comply with school advisory council membership composition requirements.

- All components of the Florida Bright Futures Scholarship Program are funded annually from the Educational Enhancement Trust Fund. Funds are allocated to this program prior to application of the formula for equitable distribution to public schools, community colleges, and state universities. If shortages require reductions in estimated distributions from the Educational Enhancement Trust Fund, funds for the Florida Bright Futures Scholarship Program will be reduced only after reductions in all other distributions are made.

- Each school district, on a quarterly basis, will make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

Summary of Lottery Dollar Usage

During the past two legislative sessions, lottery dollars have been specifically earmarked for two programs; the Classrooms First Program and the Bright Futures Scholarship Program. The Classroom First Program has committed no less than $180 million annually for the next twenty years for the construction of schools in the State of Florida. The Bright Futures Scholarship program grew to a cost of approximately $120 million last year and is expected to grow slightly next year.

Lottery transfers to the Educational Enhancement Trust Fund (EETF) have averaged approximately $800 million per year. Bond covenants and Florida Statutes require the Classroom First Program to have first priority on lottery transfers. Any reduction in lottery transfers could affect all other programs funded from the EETF.

The Educational Enhancement Trust Fund

Through the General Appropriations Act, the Legislature determines the educational programs to be funded by the Educational Enhancement Trust Fund (EETF) and the amount of such funding. In the 1998-99 General Appropriations Act, the lottery provided approximately $812 million from the EETF for education: $180 million lottery dollars went to Classrooms First Programs; $120 million to Bright Futures scholarships; $184 million to the districts discretionary fund (of which $10 per student is to be used at the discretion of the School Advisory Council); $5 million for school recognition/merit schools; $104 million to preschool

projects; $3 million to coalition incentive funds; $102 million to community colleges; and $114 to the universities and the board of regents.

The Florida Teachers Lead Program

The Florida Teachers Lead Program was established in 1997 in s. 231.67, F.S. to provide a one-time appropriation to each classroom teacher in the amount of $250. These funds are to be provided to each teacher in addition to any other funds appropriated for public school operations. These funds are not subject to state or local competitive bidding requirements. The statute does not require teachers to report how they used the money.

The Legislature appropriated from non-recurring General Revenue(GR) Funds $31.5 million in 1997 (to provide $250 to each “classroom teacher” and media specialist) and $13 million during the 1998 session (to provide $100 to each “classroom teacher”). From the funds appropriated, the Commissioner of Education calculated an amount for each school district which was proportional to each district's share of the total number of full-time public school classroom teachers in this state. At the time the Legislature established the Teachers Lead Program, the Florida Department of Education reported that Florida had approximately 125,000 full-time classroom teachers and media specialists. The funds were then deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher. Each teacher's allocation was to remain available for the teacher's use until the full amount was expended. If teachers could not use the money by the end of the school year, they could use it the next year.

The only school district personnel eligible for the Florida Teachers Lead Program in 1997-98 were "classroom teachers" defined in the Florida Teacher Lead Program as certified teachers whose full-time job responsibility is the classroom instruction of students in prekindergarten through grade 12 and media specialists. Media specialists did not receive the funds from the 1998-99 allocation.

Florida Statutes Definitions

Section 228.041, F.S., defines "instructional personnel" as any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

- Classroom teachers--staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, and vocational-technical and adult education, including substitute teachers.

- Pupil personnel services--staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, occupational/placement specialists, and school psychologists.

- Librarians/media specialists--staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

- Other instructional staff--staff members who are part of the instructional staff but are not classified in one of the categories specified in the above paragraphs. Included in this classification are primary specialists, learning resource specialists, instructional trainers, and similar positions.

- Instructional paraprofessionals--individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

B. EFFECT OF PROPOSED CHANGES:

Teacher Learning Enhancement and Assistance Program

This bill provides an estimated amount of $250 per each eligible teacher and instructional personnel to assist teaching and learning. The funds are to be appropriated from the Education Enhancement "Lottery" Trust Fund with a provision to replace the lottery funds expended with a proportional increase in general revenue funds.

Funding

Funding for this program is to be from the Education Enhancement "Lottery" Trust Fund with a provision to replace the lottery funds expended with a proportional increase in general revenue funds. Eligible classroom teachers and instructional specialists who are full-time district employees are to be funded at the maximum level. Those specified as eligible to receive funds who are employed by the district at least 50 percent but less than 100 percent are funded at 50 percent of the annual appropriation for each full-time employee. The funds are to be deposited into each school's internal account and made available to be expended at the discretion of each classroom teacher. The goods purchased under this provision are to be considered classroom supplies and maintained as such.

Eligibility

HB 117 provides funds for "eligible classroom teachers" as well as "eligible instructional specialists". An eligible classroom teacher is defined as a certified teacher whose responsibility is classroom instruction in prekindergarten through grade 12. An "eligible instructional specialist" is defined as a certified school district employee who provides guidance services, job training or vocational services, media services, or other curriculum-related services. This bill also provides a supplement of 50 percent of the maximum supplement to part-time employees who qualify under these definitions.

The Teacher Learning Enhancement and Assistance Program to be enacted by this bill contains no provision to eliminate the Teachers Lead Program. Hence, it could result in a duplication of funding to personnel who qualify under both programs.

The Teacher Learning Enhancement Program allows participation by more than the narrow definition of "classroom teacher" defined in the Teacher's Lead Program. In 1998-99 there were, according to DOE, 144,324 personnel eligible for the Teacher Learning Enhancement Program. With a supplement of $250 the approximate cost of this program will be just over $36 million, not including part-time personnel who are eligible to receive $125 under the provisions of this bill.

	Teacher Lead Program	**Teacher Learning Enhancement and Assistance Program**
Source of Funds	GR appropriation (one time)	Lottery

	Teacher Lead Program	**Teacher Learning Enhancement and Assistance Program**
Full Time Eligible Personnel	Certified pre-k through 12 classroom teachers; media specialists	Certified pre-k through 12 classroom teachers; certified employee who provides media, guidance, job training, vocational, or other curriculum-related services.
Part Time Eligible Personnel	None	Above personnel if employed at least 50% of the school year
Amount	$250/teacher	$250/teacher

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The Department of Education will be required to distribute the funds to the districts, which will determine how to distribute to teachers.

(3) any entitlement to a government service or benefit?

Yes. This bill could possibly entitle teachers to receive funds from both the Teachers Lead Program with money from General Revenue and the new program with money from the lottery. This bill also expands eligibility to other instructional personnel including part time instructional personnel.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, this bill allows eligible classroom teachers and eligible instructional personnel the discretion to spend approximately $250 on classroom supplies to enhance teaching and learning.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

No.

(2) service providers?

No.

(3) government employees/agencies?

Yes, this bill allows eligible classroom teachers and eligible instructional personnel the discretion to spend approximately $250 on classroom supplies to enhance teaching and learning.

D. STATUTE(S) AFFECTED:

Amends s. 24.121, F.S. and creates s. 236.1222, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 Describes the intent of the Teacher Learning Enhancement and Assistant Program as to restore public faith in the use of lottery funds by dedicating a portion of lottery funds directly to the classrooms to be used by the teachers to purchase learning enhancements for their students. The intent of the legislature is also to replace lottery funds used for this program with an increase in general revenue to the Florida Education Finance Program (FEFP).

Section 2 Dictates that a portion of lottery revenue will be distributed annually to each public school district for the Teacher Learning Enhancement and Assistance Program.

Section 3 Creates the Teacher Learning Enhancement and Assistance Program to provide $250 to teachers and instructional personnel to assist teaching and learning. Defines eligible classroom teacher and eligible instructional specialist for full and part-time personnel. Establishes disbursement processes for full and part-time personnel. Defines the goods purchased with these funds are to be considered classroom supplies.

Section 4 Provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

The bill does not contain a provision to amend or delete the existing Florida Teacher's Lead Program and could entitle teachers determined to be eligible in both programs to receive funds for both programs. The bill also expands eligibility to other instructional personnel including part time instructional personnel. Thus, the bill could have a substantial fiscal impact. To fund $250 to every teacher for the Teacher's Lead Program in 1997 cost over $31.5 million from General Revenue. The cost of this program is expected to be more than that amount due to the expanded eligible personnel and the growth in number of teachers since 1997.

The Teacher Learning Enhancement Program allows participation by more than the narrow definition of "classroom teacher" defined in the Teacher's Lead Program. In 1998-99 there were, according to DOE, 144,324 personnel eligible for the Teacher Learning Enhancement Program. With a supplement of $250 the approximate cost of this program will be just over $36 million, not including part-time personnel who are eligible to receive $125 under the provisions of this bill.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

The Florida Teacher's Lead Program was funded in 1997 for $31.5 million and in 1998 for $13 million. The Teacher Learning Enhancement and Assistance Program would require a larger amount from the Educational Enhancement Trust Fund (lottery dollars). The intent of the bill is to replace the lottery dollars with dollars from General Revenue to the Florida Education Finance Program (FEFP).

The Teacher Learning Enhancement Program allows participation by more than the narrow definition of "classroom teacher" defined in the Teacher's Lead Program. In 1998-99 there were, according to DOE, 144,324 personnel eligible for the Teacher Learning Enhancement Program. With a supplement of $250 the approximate cost of this program will be just over $36 million, not including part-time personnel who are eligible to receive $125 under the provisions of this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

Funds expended for use under the provisions of this bill are not subject to state or local bidding requirements.

D. FISCAL COMMENTS:

If s. 231.67 F.S., Florida Teachers Lead Program, were to be amended or repealed upon passage of this bill, program duplication could be avoided.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Committee on Education Innovation

On February 16, 1999, HB 117 was amended and passed the Education Innovation Committee as amended. The amendment was a “strike everything” amendment and made the following changes:

- ♦ Changes amount of funds provided to eligible instructional personnel from $250 to $100.
- ♦ Renames eligible instructional "specialist" to eligible instructional "personnel."
- ♦ Defines eligible instructional personnel as a certified school district employee who:
  - is a teacher whose responsibility is classroom instruction of students funded through the FEFP;
  - provides vocational-technical education, or adult education;
  - provides pupil personnel services; or
  - is a librarian or media specialist.
- ♦ Repeals Florida Teachers Lead Program.

Committee on Regulated Services

On March 11, 1999, the Education Innovation amendment to HB 117 was amended by the Committee on Regulated Services to delete the requirement that the Teacher Learning Enhancement and Assistance Program provide $250 for each eligible classroom teacher and $100 for eligible instructional personnel annually, and replaces with language specifying that funds "in an amount up to $250" be appropriated. The amendment also amends the definition of eligible instructional personnel to delete vocational technical and adult education instructors. As amended, the term would apply to librarians, media specialists, guidance counselors, social workers, occupational/placement specialists, and school psychologists.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:	Staff Director:
Pamela M. Allen	Ouida J. Ashworth

AS REVISED BY THE COMMITTEE ON REGULATED SERVICES:

Prepared by:	Staff Director:
Janet Clark Morris	Paul Liepshutz

AS FURTHER REVISED BY THE COMMITTEE ON EDUCATION K-12:

Prepared by:	Staff Director:
Terri J. Chasteen	Patricia W. Levesque