

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 745 School Improvement and Education Accountability
SPONSOR(S): Simmons and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Beagle	Mizereck
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Current federal and state laws prohibit assignment of female and male students into single gender classes. Nonetheless, single gender education programs have emerged in several states. Florida law provides certain duties to the Commissioner, the Department of Education, and the State Board of Education pertaining to improving low performing schools.

House bill 745 requires schools graded "F" to implement programs that assign female and male students to single gender classes. The bill further requires that these schools implement school-wide policies for school uniforms for students. Parents must be given notice and an opportunity to opt out of the single gender classes.

The bill will have an indeterminate fiscal impact. See FISCAL COMMENTS.

The bill will take effect on July 1, 2007.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provides Limited Government-- The bill requires schools graded "F" to implement single gender classes and adopt school uniform policies.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Single Gender Education

Current federal law (Title IX) generally prohibits coeducational elementary and secondary schools receiving federal education funding from segregating classes by gender.¹ Title IX contains several exceptions to this prohibition that allow single sex groupings in certain situations:

- Physical education classes that result from the application of objective standards of physical ability.²
- Physical education classes during participation in contact sports.³
- Classes in elementary and secondary schools dealing exclusively with human sexuality.⁴
- Choruses based on vocal range or quality, which may result in a single-sex or predominantly single-sex grouping.⁵

Florida law prohibits public K-20 educational institutions that receive state or federal funds from restricting access or establishing criteria for admission to a program or course based on gender.⁶

The No Child Left Behind Act of 2001 provides that federal funds may be made available to local educational agencies for implementing innovative assistance programs, which may include programs to provide same gender schools and classrooms.⁷ In March of 2004, the U.S. Department of Education (USDOE) announced its intent to adopt revised Title IX regulations that would provide greater flexibility to local education authorities in offering single gender educational opportunities.⁸ According to the USDOE, the proposed regulations are currently under review and existing laws governing single gender classes remain in effect.⁹

The recent emergence of single gender education programs is rooted in research indicating that girls and boys learn differently, and that instruction that is tailored to reach these differing learning styles is more effective for some students than traditional coeducational instruction.¹⁰ Approximately 170 public coeducational schools in the United States offer some configuration of single sex classes, including

¹ 34 C.F.R. § 106.34(a).

² 34 C.F.R. § 106.34(b).

³ 34 C.F.R. § 106.34(c).

⁴ 34 C.F.R. § 106.34(e).

⁵ 34 C.F.R. § 106.34(f).

⁶ Section 1000.05(a) and (b), F.S.

⁷ 20 U.S.C. § 7215 (a) (23).

⁸ Federal Register, Vol. 69, No. 46 available at <http://www.ed.gov/legislation/FedRegister/proprule/2004-1/030904a.pdf> (March 9, 2004).

⁹ Correspondence with Ms. Doris Chriswell, Attorney, U.S. DOE, Office of Civil Rights, Atlanta GA (December 2005).

¹⁰ The Gurian Institute available at <http://www.gurianinstitute.com/> (Accessed Mar. 15, 2006). See also National Association for Single Sex Public Education available at <http://www.singlesexschools.org/schools-classrooms.htm>

several public schools in Florida.¹¹ California, District of Columbia, Virginia, and Wisconsin currently have laws permitting the institution of single gender classes.¹²

Intervention Measures for “F” Schools

Section 1008.345, F.S. provides that the Commissioner of Education (Commissioner) is responsible for implementing and maintaining the state system of school improvement and education accountability. Florida law authorizes the Department of Education (DOE) to provide technical assistance to schools graded “D” or “F.” Similarly, the DOE is required to assign a community assessment team to each school district with a school grade “D” or “F.” Section 1008.33, F.S. authorizes the State Board of Education to make recommendations to district school boards to improve the performance of the district’s “F” schools.

Effect of Proposed Changes:

House bill 745 requires schools graded “F” to assign students to single gender classes. Affected schools must also adopt school uniform policies. The bill specifies that the admission requirements, educational benefits, qualifications of faculty and staff, and quality of facilities and resources for female and male students must be substantially equal and implemented in an evenhanded manner. School districts must conduct periodic reviews to assess whether programs have been implemented in a nondiscriminatory manner and to monitor program success.

The bill also provides that parents be given notice of the school’s conversion to single gender classes and the ability to opt out of such program and enroll their child in a coeducational class.

The bill provides an effective date of July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends s. 1008.345, F.S.; requiring schools graded “F” to implement single gender classes and uniform policies.

Section 2. Amends s. 1004.68, F.S.; conforming a cross reference.

Section 3. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹¹ National Association for Single Sex Public Education available at <http://www.singlesexschools.org/schools-classrooms.htm> (Accessed Mar. 15, 2006).

¹² Correspondence with Jennifer Dounay, Policy Analyst, Education Commission of the States (December 2005).

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact. School districts may incur costs associated with offering both single gender and coeducational classes. According to proponents of single gender education, such programs are most effective when teachers are trained in the learning differences between girls and boys. Schools that choose to train teachers in this manner will incur the costs of this training.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES