

PCB KCOS 11-02

Redraft - A

2011

1 A bill to be entitled
2 An act relating to education law repeals; repealing s.
3 1004.04(11) and (12), F.S., relating to the Preteacher and
4 Teacher Education Pilot Programs and the Teacher Education
5 Pilot Programs for High-Achieving Students; repealing s.
6 1009.54, F.S., relating to the Critical Teacher Shortage
7 Program; repealing s. 1009.57, F.S., relating to the
8 Florida Teacher Scholarship and Forgivable Loan Program;
9 repealing s. 1009.58, F.S., relating to the critical
10 teacher shortage tuition reimbursement program; repealing
11 s. 1009.59, F.S., relating to the Critical Teacher
12 Shortage Student Loan Forgiveness Program; repealing s.
13 1012.225, F.S., relating to the Merit Award Program for
14 Instructional Personnel and School-Based Administrators;
15 repealing s. 1012.2251, F.S., relating to the
16 administration of end-of-course examinations for the Merit
17 Award Program; repealing s. 447.403(2)(c), F.S., relating
18 to the resolution of an impasse involving a dispute of a
19 Merit Award Program plan, to conform; amending ss.
20 1002.33, 1003.52, 1009.40, 1009.94, 1011.62, and 1012.07,
21 F.S.; conforming provisions to changes made by the act;
22 repealing s. 1012.33(3)(a), (b), and (c), F.S., relating
23 to professional service contracts for instructional staff;
24 providing effective dates.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Subsections (11) and (12) of section 1004.04,
 29 Florida Statutes, are repealed.

30 Section 2. Sections 1009.54, 1009.57, 1009.58, and
 31 1009.59, Florida Statutes, are repealed.

32 Section 3. Sections 1012.225 and 1012.2251, Florida
 33 Statutes, are repealed.

34 Section 4. Paragraph (c) of subsection (2) of section
 35 447.403, Florida Statutes, is repealed.

36 Section 5. Paragraph (a) of subsection (20) of section
 37 1002.33, Florida Statutes, is amended to read:

38 1002.33 Charter schools.—

39 (20) SERVICES.—

40 (a)1. A sponsor shall provide certain administrative and
 41 educational services to charter schools. These services shall
 42 include contract management services; full-time equivalent and
 43 data reporting services; exceptional student education
 44 administration services; services related to eligibility and
 45 reporting duties required to ensure that school lunch services
 46 under the federal lunch program, consistent with the needs of
 47 the charter school, are provided by the school district at the
 48 request of the charter school, that any funds due to the charter
 49 school under the federal lunch program be paid to the charter
 50 school as soon as the charter school begins serving food under
 51 the federal lunch program, and that the charter school is paid
 52 at the same time and in the same manner under the federal lunch
 53 program as other public schools serviced by the sponsor or the
 54 school district; test administration services, including payment
 55 of the costs of state-required or district-required student

56 assessments; processing of teacher certificate data services;
 57 and information services, including equal access to student
 58 information systems that are used by public schools in the
 59 district in which the charter school is located. Student
 60 performance data for each student in a charter school,
 61 including, but not limited to, FCAT scores, standardized test
 62 scores, previous public school student report cards, and student
 63 performance measures, shall be provided by the sponsor to a
 64 charter school in the same manner provided to other public
 65 schools in the district.

66 2. A total administrative fee for the provision of such
 67 services shall be calculated based upon up to 5 percent of the
 68 available funds defined in paragraph (17)(b) for all students.
 69 However, a sponsor may only withhold up to a 5-percent
 70 administrative fee for enrollment for up to and including 250
 71 students. For charter schools with a population of 251 or more
 72 students, the difference between the total administrative fee
 73 calculation and the amount of the administrative fee withheld
 74 may only be used for capital outlay purposes specified in s.
 75 1013.62(2).

76 3. In addition, a sponsor may withhold only up to a 5-
 77 percent administrative fee for enrollment for up to and
 78 including 500 students within a system of charter schools which
 79 meets all of the following:

- 80 a. Includes both conversion charter schools and
- 81 nonconversion charter schools;
- 82 b. Has all schools located in the same county;
- 83 c. Has a total enrollment exceeding the total enrollment

84 of at least one school district in the state;

85 d. Has the same governing board; and

86 e. Does not contract with a for-profit service provider
87 for management of school operations.

88 4. The difference between the total administrative fee
89 calculation and the amount of the administrative fee withheld
90 pursuant to subparagraph 3. may be used for instructional and
91 administrative purposes as well as for capital outlay purposes
92 specified in s. 1013.62(2).

93 5. ~~Each charter school shall receive 100 percent of the~~
94 ~~funds awarded to that school pursuant to s. 1012.225.~~ Sponsors
95 shall not charge charter schools any additional fees or
96 surcharges for administrative and educational services in
97 addition to the maximum 5-percent administrative fee withheld
98 pursuant to this paragraph.

99 Section 6. Subsection (10) of section 1003.52, Florida
100 Statutes, is amended to read:

101 1003.52 Educational services in Department of Juvenile
102 Justice programs.—

103 (10) The district school board shall recruit and train
104 teachers who are interested, qualified, or experienced in
105 educating students in juvenile justice programs. Students in
106 juvenile justice programs shall be provided a wide range of
107 educational programs and opportunities including textbooks,
108 technology, instructional support, and other resources available
109 to students in public schools. Teachers assigned to educational
110 programs in juvenile justice settings in which the district
111 school board operates the educational program shall be selected

112 by the district school board in consultation with the director
 113 of the juvenile justice facility. Educational programs in
 114 juvenile justice facilities shall have access to the substitute
 115 teacher pool utilized by the district school board. ~~Full-time~~
 116 ~~teachers working in juvenile justice schools, whether employed~~
 117 ~~by a district school board or a provider, shall be eligible for~~
 118 ~~the critical teacher shortage tuition reimbursement program as~~
 119 ~~defined by s. 1009.58 and other teacher recruitment and~~
 120 ~~retention programs.~~

121 Section 7. Paragraph (a) of subsection (1) of section
 122 1009.40, Florida Statutes, is amended to read:

123 1009.40 General requirements for student eligibility for
 124 state financial aid awards and tuition assistance grants.-

125 (1) (a) The general requirements for eligibility of
 126 students for state financial aid awards and tuition assistance
 127 grants consist of the following:

128 1. Achievement of the academic requirements of and
 129 acceptance at a state university or community college; a nursing
 130 diploma school approved by the Florida Board of Nursing; a
 131 Florida college, university, or community college which is
 132 accredited by an accrediting agency recognized by the State
 133 Board of Education; any Florida institution the credits of which
 134 are acceptable for transfer to state universities; any career
 135 center; or any private career institution accredited by an
 136 accrediting agency recognized by the State Board of Education.

137 2. Residency in this state for no less than 1 year
 138 preceding the award of aid or a tuition assistance grant for a
 139 program established pursuant to s. 1009.50, s. 1009.505, s.

140 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s. 1009.56, ~~s.~~
 141 ~~1009.57~~, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.72, s.
 142 1009.73, s. 1009.77, s. 1009.89, or s. 1009.891. Residency in
 143 this state must be for purposes other than to obtain an
 144 education. Resident status for purposes of receiving state
 145 financial aid awards shall be determined in the same manner as
 146 resident status for tuition purposes pursuant to s. 1009.21.

147 3. Submission of certification attesting to the accuracy,
 148 completeness, and correctness of information provided to
 149 demonstrate a student's eligibility to receive state financial
 150 aid awards or tuition assistance grants. Falsification of such
 151 information shall result in the denial of any pending
 152 application and revocation of any award or grant currently held
 153 to the extent that no further payments shall be made.
 154 Additionally, students who knowingly make false statements in
 155 order to receive state financial aid awards or tuition
 156 assistance grants commit a misdemeanor of the second degree
 157 subject to the provisions of s. 837.06 and shall be required to
 158 return all state financial aid awards or tuition assistance
 159 grants wrongfully obtained.

160 Section 8. Paragraph (c) of subsection (2) of section
 161 1009.94, Florida Statutes, is amended to read:

162 1009.94 Student financial assistance database.—

163 (2) For purposes of this section, financial assistance
 164 includes:

165 (c) Any financial assistance provided under s. 1009.50, s.
 166 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, ~~s. 1009.54~~, s.
 167 1009.55, s. 1009.56, ~~s. 1009.57~~, s. 1009.60, s. 1009.62, s.

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168 1009.68, s. 1009.70, s. 1009.701, s. 1009.72, s. 1009.73, s.
 169 1009.74, s. 1009.77, s. 1009.89, or s. 1009.891.

170 Section 9. Paragraph (d) of subsection (7) of section
 171 1011.62, Florida Statutes, is amended to read:

172 1011.62 Funds for operation of schools.—If the annual
 173 allocation from the Florida Education Finance Program to each
 174 district for operation of schools is not determined in the
 175 annual appropriations act or the substantive bill implementing
 176 the annual appropriations act, it shall be determined as
 177 follows:

178 (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

179 (d) Each district's allocation of sparsity supplement
 180 funds shall be adjusted in the following manner:

181 1. A maximum discretionary levy per FTE value for each
 182 district shall be calculated by dividing the value of each
 183 district's maximum discretionary levy by its FTE student count.

184 2. A state average discretionary levy value per FTE shall
 185 be calculated by dividing the total maximum discretionary levy
 186 value for all districts by the state total FTE student count.

187 3. A total potential funds per FTE for each district shall
 188 be calculated by dividing the total potential funds, not
 189 including Florida School Recognition Program funds, ~~Merit Award~~
 190 ~~Program funds,~~ and the minimum guarantee funds, for each
 191 district by its FTE student count.

192 4. A state average total potential funds per FTE shall be
 193 calculated by dividing the total potential funds, not including
 194 Florida School Recognition Program funds, ~~Merit Award Program~~
 195 ~~funds,~~ and the minimum guarantee funds, for all districts by the

196 state total FTE student count.

197 5. For districts that have a levy value per FTE as
 198 calculated in subparagraph 1. higher than the state average
 199 calculated in subparagraph 2., a sparsity wealth adjustment
 200 shall be calculated as the product of the difference between the
 201 state average levy value per FTE calculated in subparagraph 2.
 202 and the district's levy value per FTE calculated in subparagraph
 203 1. and the district's FTE student count and -1. However, no
 204 district shall have a sparsity wealth adjustment that, when
 205 applied to the total potential funds calculated in subparagraph
 206 3., would cause the district's total potential funds per FTE to
 207 be less than the state average calculated in subparagraph 4.

208 6. Each district's sparsity supplement allocation shall be
 209 calculated by adding the amount calculated as specified in
 210 paragraphs (a) and (b) and the wealth adjustment amount
 211 calculated in this paragraph.

212 Section 10. Section 1012.07, Florida Statutes, is amended
 213 to read:

214 1012.07 Identification of critical teacher shortage
 215 areas.—

216 ~~(1) As used in ss. 1009.57, 1009.58, and 1009.59,~~ The term
 217 "critical teacher shortage area" applies to mathematics,
 218 science, career education, and high priority location areas. The
 219 State Board of Education may identify career education programs
 220 having critical teacher shortages. The State Board of Education
 221 shall adopt rules pursuant to ss. 120.536(1) and 120.54
 222 necessary to annually identify other critical teacher shortage
 223 areas and high priority location areas. The state board shall

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224 also consider teacher characteristics such as ethnic background,
225 race, and sex in determining critical teacher shortage areas.
226 School grade levels may also be designated critical teacher
227 shortage areas. Individual district school boards may identify
228 other critical teacher shortage areas. Such shortages must be
229 certified to and approved by the State Board of Education. High
230 priority location areas shall be in high-density, low-economic
231 urban schools and low-density, low-economic rural schools and
232 shall include schools which meet criteria which include, but are
233 not limited to, the percentage of free lunches, the percentage
234 of students under Chapter I of the Education Consolidation and
235 Improvement Act of 1981, and the faculty attrition rate.

236 ~~(2) This section shall be implemented only to the extent~~
237 ~~as specifically funded and authorized by law.~~

238 Section 11. Effective July 1, 2011, paragraphs (a), (b),
239 and (c) of subsection (3) of section 1012.33, Florida Statutes,
240 are repealed.

241 Section 12. Except as otherwise expressly provided in this
242 act, this act shall take effect upon becoming a law.