



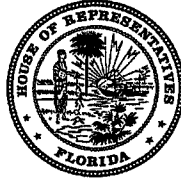
PreK-12 Appropriations Committee

Wednesday, February 11, 2009
9:00 a.m. – 2:30 p.m.
404 House Office Building

Meeting Packet

Larry Cretul
Speaker pro tempore

Anitere Flores
Chair



The Florida House of Representatives

PreK-12 Appropriations Committee

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Speaker pro tempore

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Meeting Agenda
Wednesday, February 11, 2009
404 House Office Building
9:00 a.m.

I. Call to Order

II. Roll Call

III. Class Size Reduction Presentation

Florida Department of Education

John Newman, Senior Advisor on Legislative Policy and Budget

IV. Mentoring/Student Assistance Initiatives Presentations

Big Brothers, Big Sisters

Stephen Cook, President

Best Buddies

Stephanie Moore, State Director

Take Stock in Children

Karin Coleman, Director of Strategic Alliances

Project to Advance School Success (PASS)

Dr. Elaine Liftin, Council President & Executive Director of the Council for Educational Change

Boys and Girls Clubs

Jack Cory, Public Affairs Representative

Robert Weissert, Director of Communications & External Relations; Special Counsel to the President & CEO, Florida TaxWatch

Learning for Life

Matt Hart, Scout Executive, Suwannee River Council, Boy Scouts of America

Girl Scouts of Florida

Laurie Czarnetzky, State Mentoring Coordinator

Black Male College Explorers Program

Dr. Ed Tolliver, Director

YMCA State Alliance

Madeline Hennings, Statewide Coordinator, YMCA Reads

Governor's Mentoring Initiative

Liza McFadden, President, Volunteer Florida Foundation

V. Base Budget Review

Florida Department of Education

Bambi J. Lockman, Bureau Chief, ESE & Student Services

Florida Department of Education

John Newman, Senior Advisor on Legislative Policy and Budget

VI. Core Mission Exercise

VII. Adjournment

APPENDIX
Base Budget Review Methodology - Interim Project

Base Budget Review - Department of Education/PreK-12

What Is the Base Budget?

Like many other state and local jurisdictions, Florida's approach to budgeting is incremental. This means that revisions to the budget are either increases or decreases from an agreed upon starting point and the net effect is the appropriation for the year budgeted.

The base budget is this starting point. It is essentially the budget necessary to continue the current year's appropriations decisions into the next new fiscal year. The base budget is a consensus document agreed upon by staffs of the Governor, House and Senate and is developed as follows:

- 1) The appropriations for the current year budget, as passed by the Legislature in the General Appropriations Act (GAA), are adjusted for:
 - a) Vetoes
 - b) Supplemental appropriations in substantive bills that have become law
 - c) Failed contingencies in the GAA, where, for example, the GAA provided an appropriation contingent upon enactment of substantive legislation, which legislation failed to become law
 - d) Agency reorganizations authorized by law but not included in the GAA
 - e) Distributions of funds in the "Administered Funds" section of the GAA pursuant to section 8 and other proviso

- 2) The base budget is then developed by adjusting the current year budget as follows:
 - a) The non-recurring funding is removed
 - b) Increases or decreases in funding decisions that were enacted for a portion of the current year are annualized to reflect the full twelve month cost in the subsequent year
 - c) Interim budget amendments of a recurring nature are included
 - d) Technical corrections/adjustments are made

As stated above, these adjustments implement the most recent legislative funding decisions, as adjusted for vetoes, that comprise the "base" from which to start the incremental decision-making for the ensuing year.

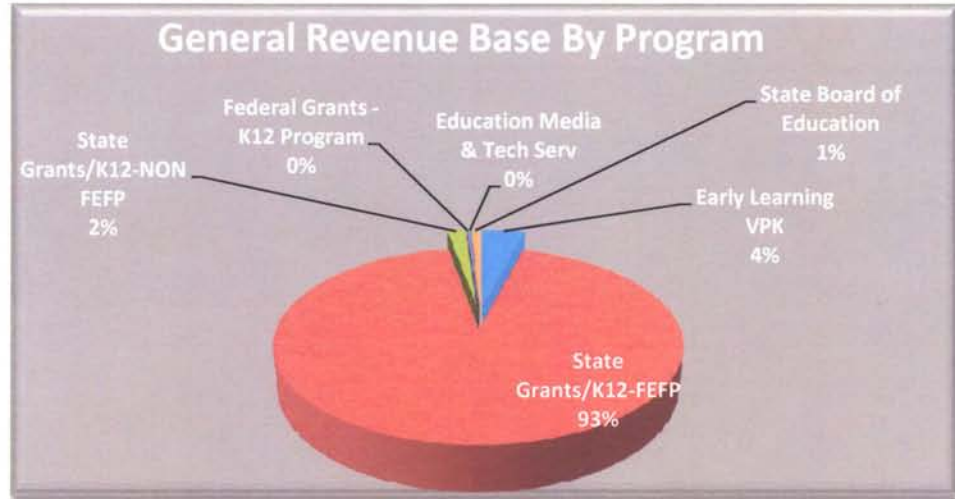
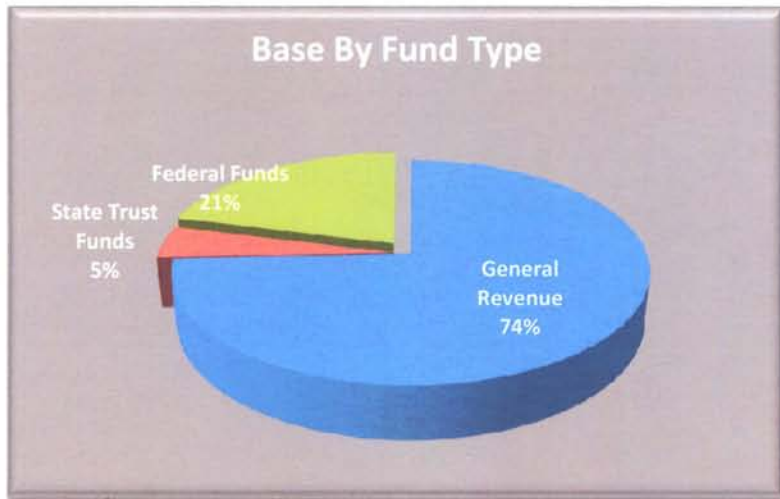
Department of Education - PreK-12 Fiscal Year 2009-10 Base Budget Review - Summary

The Department of Education's mission is to increase the proficiency of all students within one seamless, efficient system, by providing them with the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

- A. Highest student achievement
- B. Seamless articulation and maximum access
- C. Skilled workforce and economic development
- D. Quality efficient services

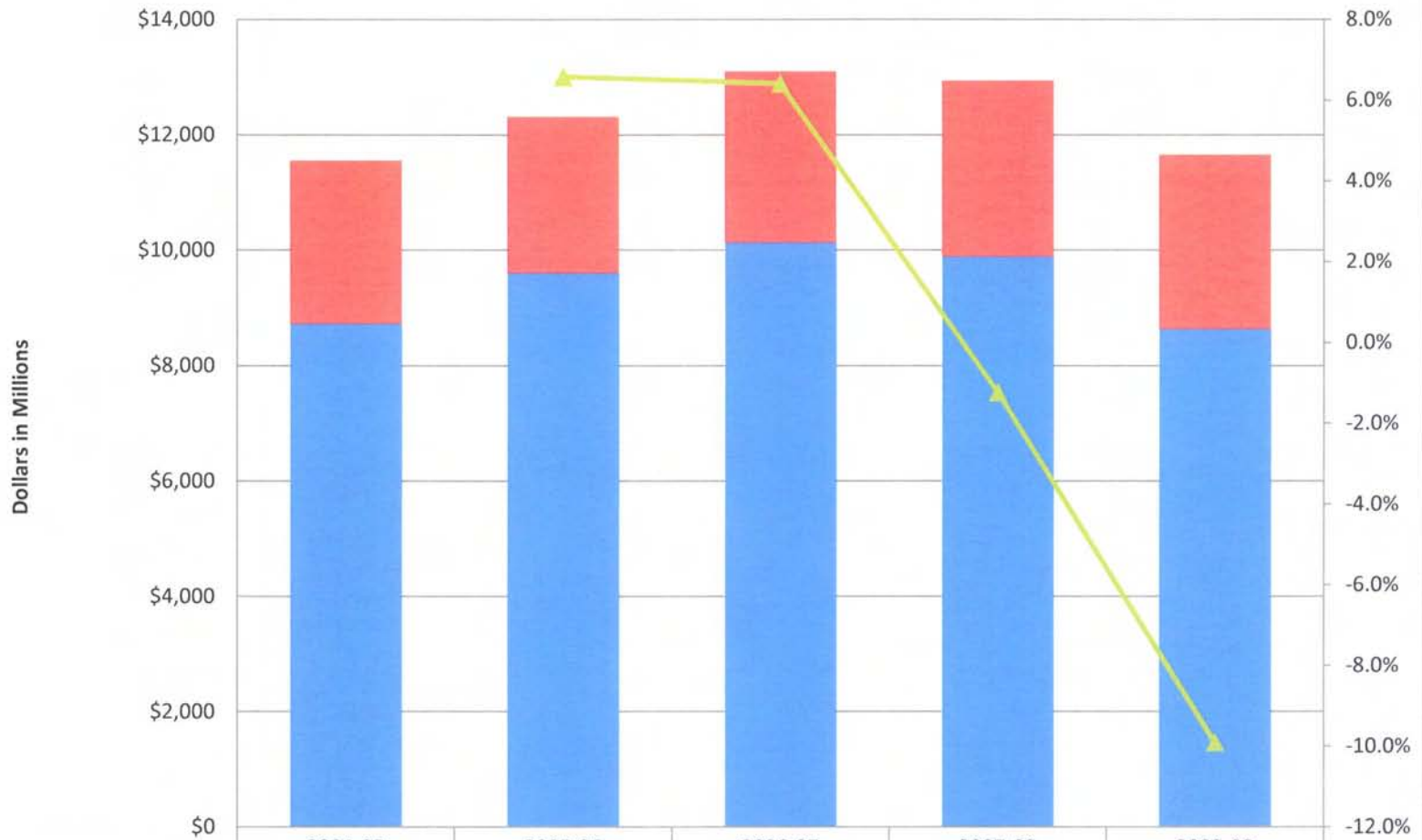
	FTE	Recurring	Nonrecurring	Total
Fiscal Year 2008-09 Appropriations:	1,200.0	11,633,911,346	27,289,696	11,661,201,042

Agency Funding Overview		Base Budget FY 2009-10*				
#	Program	FTE	GR	State Trust Funds	Federal Funds	Total
1	Early Learning Prekindergarten Education	0.0	350,991,001	0	0	350,991,001
2	Florida Education Finance Program (FEFP)	0.0	8,020,585,034	494,010,912	0	8,514,595,946
3	NON-FEFP	0.0	147,586,041	4,740,783	197,549,828	349,876,652
4	Federal Grants - K12 Program	0.0	16,886,046	4,099,420	2,128,730,020	2,149,715,486
5	Education Media & Technology Services	0.0	13,594,857	0	11,749,846	25,344,703
6	State Board of Education	1,200.0	67,752,508	32,798,085	108,309,571	208,860,164
7	Total	1,200.0	8,617,395,487	535,649,200	2,446,339,265	11,599,383,952



* Base budget differs from the FY 2008-09 appropriation as the base budget does not include any nonrecurring funds but does include annualizations and other adjustments.

PreK-12 Committee Appropriations Over Past Five Years



■ Trust Funds	\$2,834.9	\$2,719.5	\$2,978.7	\$3,059.2	\$3,031.6
■ General Revenue	\$8,721.8	\$9,596.8	\$10,127.9	\$9,885.0	\$8,629.6
↗ Percent Change from Prior Year		6.6%	6.4%	-1.2%	-9.9%

Programs & Services Descriptions

1 Budget Entity/Service: Early Learning Prekindergarten Education

Funds programs to prepare four-year-olds for kindergarten to meet the constitutional requirements for voluntary prekindergarten.

2 Budget Entity/Service: Florida Education Finance Program (FEFP)

The Florida Education Finance Program (FEFP) budget entity is the appropriation area for state support to school districts. The FEFP is a student enrollment based funding formula for the equitable distribution of operating funds to school districts. This budget entity also appropriates funds to meet specific needs such as Class Size Reduction, the School Recognition Program, Instructional Materials, Student Transportation, and the Florida Teachers Lead Program. These specific appropriations are commonly referred to as categoricals.

3 Budget Entity/Service: K12-NON FEFP

The State Grants/K12-Non-FEFP budget entity provides funding that supplements or enhances initiatives funded through the Florida Education Finance Program (FEFP) budget entity. Unlike the FEFP budget entity, these funds are not necessarily distributed on a student enrollment based funding formula. In addition, these funds may be distributed directly to a school district or private entity for the enhancement of K-12 education.

4 Budget Entity/Service: Federal Grants - K12 Program

The Federal Grants K-12 budget entity appropriates spending authority needed for federal grants, private grants and donations, and matching general revenue funds required for federal funds. Although the majority of K-12 federal and private funds are in this budget entity, a few are in the Non-FEFP budget entity since those programs also receive non-matching general revenue funding. These programs are Reading, Teacher Professional Development, Exceptional Education, and the Florida School for the Deaf and Blind.

5 Budget Entity/Service: Educational Media & Technology Services

This budget entity appropriates funding to support a statewide coordinated system of advanced telecommunications services and distance education.

6 Budget Entity/Service: State Board of Education

The State Board of Education budget entity provides funding for the staff and operating expenditures of the K-20 education system within the Florida Department of Education.

FY 2009-10 Base-Budget Review Details

FY 2009-10 Base-Budget Review Details						
	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
1	Budget Entity/Service: Early Learning Prekindergarten Education					
2	Brief Description of Entity: Funds programs to prepare four-year-olds for kindergarten to meet the constitutional requirements for voluntary prekindergarten.					
3	Voluntary Prekindergarten Program (Transfer VPK Funds to AWI)	-	349,389,114	-	349,389,114	Transfers Voluntary Prekindergarten program funds at least once each quarter to the Agency for Workforce Innovation (AWI). Funds are then distributed by AWI to the early learning coalitions for payment to private prekindergarten providers and school districts. See sections 1002.51 through 1002.79, F.S. -2008-09 funding provided for 146,277 students which is 62.4% of four-year-olds. -School-year program base student allocation is \$2,575 -Summer program base student allocation is \$2,190
4	Early Learning Standards and Accountability	-	1,601,887	-	1,601,887	Funds the Voluntary Prekindergarten Program initiatives for product development; training and assistance; and direct services to local early learning coalitions, school districts, public and private providers, and parents.
5	Total - Early Learning Prekindergarten Education	-	350,991,001	0	350,991,001	
6						

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
7	Budget Entity: Florida Education Finance Program (FEFP)					
8	Brief Description of Entity: The Florida Education Finance Program (FEFP) budget entity is the appropriation area for state support to school districts. The FEFP is a student enrollment based funding formula for the equitable distribution of operating funds to school districts. This budget entity also appropriates funds to meet specific needs such as Class Size Reduction, the School Recognition Program, Instructional Materials, Student Transportation, and the Florida Teachers Lead Program. These specific appropriations are commonly referred to as categoricals.					
9	Florida Education Finance Program (FEFP)	-	4,801,104,003	67,985,190	4,869,089,193	The FEFP is the primary mechanism for funding the operating costs of public schools. There are other sources of funding; however, the FEFP is the school district finance program's foundation. The key feature of the FEFP is to provide financial support for education based upon the individual student participating in a particular educational program rather than upon the numbers of teachers or classrooms. 2007-08 School District Annual Financial Report: Salaries & Benefits = 83% Purchased Services = 10% Energy Services = 4% Materials & Supplies = 3% Capital Outlay = 1% Other Expenses = 1% Approximately 70% of expenditures were for instruction, and the remaining expenditures were for administrative and other expenses.
10	Class Size Reduction	-	2,467,875,514	213,315,519	2,681,191,033	Provides funds to implement Article IX, Section 1 of the Florida Constitution requiring a maximum number of students assigned to each teacher in specified grade groups by the beginning of the 2010 school year.
11	District Lottery and School Recognition Program	-	-	212,710,203	212,710,203	The Florida School Recognition Program provides funds to schools that sustain high performance and demonstrate exemplary improvement in accordance with Section 1008.36, Florida Statutes. The remaining discretionary funding is allocated based on each district's share of the K-12 base funding entitlement.
12	Instructional Material	-	253,945,129	-	253,945,129	Provides each public school student with instructional materials in the core courses, as well as school library media materials and science lab materials and supplies. As part of the Department's budget preparation process, the Florida Association of District Instructional Materials Administrators (FADIMA) computes a funding plan to provide instructional materials for students in the core courses.
13	Student Transportation	-	460,903,559	-	460,903,559	Provides funds for the safe and efficient transportation of students to and from school. More than one million students are transported daily on almost 16,000 school buses.
14	Florida Teachers Lead Program	-	36,756,829	-	36,756,829	Provides a stipend to full-time classroom teachers for the purchase of classroom materials and supplies. Funds are prorated among all districts based on each district's share of the state total K-12 FTE. The current appropriation provides approximately \$195 to each teacher.
15	Total - State Grants - K12 - FEFP	-	8,020,585,034	494,010,912	8,514,595,946	
16						

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
17	Budget Entity: State Grants - K12 - NON FEFP					
18	Brief Description of Entity: The State Grants/K12-Non-FEFP budget entity provides funding that supplements or enhances initiatives funded through the Florida Education Finance Program (FEFP) budget entity. Unlike the FEFP budget entity, these funds are not necessarily distributed on a student enrollment based funding formula. In addition, these funds may be distributed directly to a school district or private entity for the enhancement of K-12 education.					
19	Instructional Material	-	1,870,220	-	1,870,220	Partially Sighted Materials ensures that students with visual impairments and dual sensor impairments have access to textbooks, other state-adopted instructional materials and assessments in accessible formats included Braille, large print, tangible apparatus, and other specialized means. 2008-09 projected expenditures: \$171,276 - Library Books Sunlink database of school library media center holdings in Florida's K-12 public schools. 2008-09 projected expenditures: \$595,030 - Salaries/Benefits \$4,700 - Honorarium \$23,500 Travel \$9,400 - Postage & Communications \$2,350 - Telephone/Toll Free Number/Fax \$18,800 - Printing/Duplicating \$3,290 - Supplies/Instructional Materials \$7,520 - Software/Subscriptions/Licenses \$23,500 - Rental - Facilities \$23,500 - Conferences/Promotions/Training \$4,700 - Utilities \$35,814 - 5% Indirect Costs Learning Thru Listening provides literature and textbooks in a digital audio format to children who cannot effectively read standard print because of visual impairment, dyslexia, or other physical disability. 2008-09 appropriation: \$856,378 Instructional Materials Management funding is provided to pay the cost of substitute teachers for teachers participating in the Instructional Materials adoption process. 2008-09 appropriation: \$90,462
20	Excellent Teaching	-	52,253,390	3,000,000	55,253,390	Provides funding for monetary incentives and bonuses for teaching excellence. Teacher's receive a bonus equal to 10% of the prior year average teacher salary upon completion of the certification process. If funds are available, bonuses are also made to teachers for the completion of 12 mentoring days. In 2007-08, 9,615 teachers received certification bonuses. For 2008-09, the number of teachers expected to receive an award exceeds 12,000.
21	Professional Practices - Substitutes	-	59,525	-	59,525	Reimburses school districts, at a rate established by the district, for substitute teachers required when Professional Practices Commission members are carrying out their official duties.
22	Reading Initiatives	-	11,750,000	58,043,873	69,793,873	Funds the statewide reading initiative "Just Read, Florida" to reach the goal of all students reading at or above grade level by 2012 through the use of scientifically based reading research. 2008-09 projected expenditures: \$3,290,000 - Florida Literacy and Reading Excellence Center (FLaRE) at UCF \$705,000 - Florida Online Reading Professional Development (FOR-PD) \$231,240 - Northeast Florida Educational Consortium (NEFEC) Project ADAPT/FOLAC \$2,350,000 - NEFEC Reading Initiative (FRI) \$317,250 - Families Building Better Readers/Mysteries in the Middle grant to Panhandle Area Educational Consortium (PAEC) \$317,250 - Florida Family Literacy Initiative (FLLI) to Volunteer USA Foundation \$367,540 - Literacy Essentials and Reading Network (LEaRN) to NEFEC \$317,250 - Reach Out and Read (ROAR) \$1,920,241 - Progress Monitoring and Reporting Network (PMRN) to the Florida Center for Reading Research (FCRR) \$1,934,229 - Summer Professional Development Federal funds appropriated in this category represent Title I, Part B, Reading First.
23	Education Innovation Initiatives	-	-	-	0	Funds are used by the department for: \$300,000 - Call Me Mister \$700,000 - Florida SUMS Math Training \$500,000 - William Cecil Golden NEFEC \$260,000 - FSBA Member Training \$250,000 - Tampa Autism Charter School \$1,000,000 - Professional Opportunities for Students (POPS) (Workstudy) \$1,450,000 - Jobs for Florida's Graduates \$200,000 - Standards Development \$1,340,000 - Math and Science Center
24	Assistance to Low Performing Schools	-	4,822,525	-	4,822,525	Funds activities of the Florida Partnership for Minority and Underrepresented Student Achievement designed to improve student achievement and readiness for college, especially in low performing middle and high schools as stated in s. 1007.35, F.S. The Department of Education contracts with non-profit organizations such as those which provide the PSAT or the ACT exams, with broad expertise and experience in preparing students and training teachers for success in Advanced Placement and other advanced college preparatory courses. Approximately 120 schools and 110,000 students were served in 2007-08. Professional development opportunities were also provided to approximately 1,300 teachers in partnership schools.

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
25	Mentoring/Student Assistance Initiatives	-	10,298,714	-	10,298,714	<p>Funds mentoring initiatives provided by state agencies, municipalities, businesses, nonprofit organizations, individuals and schools. Best Buddies served over 6,000 participants with mentoring services in 2007-08. 2008-09 estimated expenditures: \$483,870 - Salaries \$13,612 - Travel, Conferences, Recruitment, Training, Newsletter \$121,446 - IT, Copier, Rent, Utilities, Postage, Delivery, Supplies, Telephone Take Stock in Children provides mentors and college scholarships to over 8,091 low-income students between grades 6-9. 2008-09 estimated expenditures: \$2,690,985 Project to Advance School Success works as a three-year partnership with D and F schools to improve the school's grade. Of the participating PASS schools 7 have increased from D to A, 3 from D to B, and another 12 have increased one letter grade. 2008-09 estimated expenditures: \$764,239 Big Brothers, Big Sisters serves approximately 5,000 at risk and low performing students in low-performing schools with mentoring services. 2008-09 estimated expenditures: \$1,244,644 - Salaries \$161,940 - Travel, Training \$127,278 - Rent, Telephone, Printing, Postage, Fingerprinting, Liability Insurance Learning for Life provides curriculum and training to schools and other youth-serving organizations in their efforts toward preparing youth to successfully handle the complexities of today's society by building self-confidence and motivation. The program impacted approximately 258,165 students in K-12 school since 2007-08. 2008-09 estimated expenditures: \$405,763 - Salaries \$46,273 - Travel \$73,634 - Classroom and Student Materials \$566,287 - Program Fees \$18,836 - Outcomes Evaluation \$24,205 - Liability Insurance \$1,727 - Telephone, Postage, Copies \$3,187 - Conference & Staff Training \$8,484 - Outdoor Character Education Fun Day \$250,915 - Unknown Girl Scouts of Florida serves nearly 900 at-risk girls in middle schools. 2008-09 estimated expenditures: \$430,558 Black Male Explorers is designed to prevent black males from dropping out of high school by providing continuance of academic support to at-risk black males in grades 7-11 in public schools. 2008-09 estimated expenditures: \$29,834 - Salaries \$41,508 - Travel, Food, Housing \$11,367 - ID Cards, Supplies, Insurance \$80,070 - Bethune Cookman University \$80,070 - Edward Waters College \$80,070 - Florida Memorial University Boys and Girls Clubs served over 15,000 students in 2007-08 by providing tutoring and mentoring services to at-risk and low-performing students participating in after school activities. 2008-09 estimated expenditures: \$944,839 - Salaries \$33,371 - Program, Educational, and Art Supplies \$4,564 - Training \$4,754 - Gasoline/Mileage \$96 - Payroll Processing \$1,002 - Communications \$68 - Postage/Delivery \$11,857 - Computer Maintenance/Licensing \$970 - Bus Rental \$3,798 - Materials and Supplies \$5,605 - Fitness Program \$801 - Junior Achievement \$3,089 - Scholastic Reading Counts \$384,500 - Unknown Governor's Mentoring Initiative provides training and professional development to volunteers. The program has served over 40 students per site at 26 sites throughout the state. 2008-09 estimated expenditures: \$87,457 - Salaries \$11,665 - Travel, Training \$79,130 - Rent, IT, Copier, Postage, Supplies, Telephone \$52,996 - 1400 Sets "Brain Storm" Books \$100,087 - Teen Trendsetter Reading Mentors Program Site Stipends YMCA State Alliance provides 1:1 or 1:2 mentoring ratio for over 1,000 1st and 2nd graders from low-performing schools or schools that have a high percentage of students scoring below grade level in reading. 2008-09 estimated expenditures: \$48,442 - Salaries \$4,632 - Travel, Training \$46,200 - IT, Copier, Postage, Supplies, Telephone \$708,020 - YMCA Reads! 19 sites @ \$46,540</p>

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
26	K-8 Virtual Education	-	5,047,392	-	5,047,392	Funds independent public schools that use on-line and distance learning technology to deliver instruction to full-time students in kindergarten through grade 8. To be eligible to participate, a K-8 virtual school must: 1) conform all curriculum and course content to the Sunshine State Standards; 2) administer the Florida Comprehensive Assessment Test (FCAT) or, for those students in grades that are not required to take the FCAT, local assessments and the K-3 state approved assessment for reading adopted by Just Read, Florida; and 3) employ on-line teachers who are certified in Florida. Beginning in 2009-10 students will be served through school district virtual instruction programs under s. 1002.45, F.S.
27	College Reach Out Program	-	2,740,400	-	2,740,400	The College Reach Out Program (CROP) was established to motivate and prepare low-income educationally disadvantaged students in grades 6 through 12 to pursue and successfully complete a postsecondary education. Participants are students who otherwise would be unlikely to seek admission to a postsecondary institution without special support and recruitment efforts. Funds are allocated competitively to postsecondary institutions in Florida. \$1,988,886 - Salaries \$225,893 - Travel \$1,316 - Cultural Events Admission \$62,102 - Materials and Supplies \$11,599 - Printing \$141 - Copying \$20,776 - Office Supplies \$4,842 - Postage \$86,175 - Contracted Services \$35,062 - Rental Vehicles \$175,571 - Food for Activities \$5,758 - Indirect Costs 10% \$9,950 - Consulting Services \$16,453 - Other \$93,572 - Summer Residential Program \$2,304 - Telephone
28	Florida Diagnostic and Learning Resource Centers	-	2,729,290	-	2,729,290	FDLRS - University of Florida: \$481,800 - Salaries \$60,501 - Unknown FDLRS - University of Miami: \$453,265 - Salaries \$2,350 - Clerical Supplies \$2,585 - Instructional Materials/Research Resources \$2,820 - Motor Vehicle Supplies/Gas \$13,395 - Equipment and Technical Supplies \$7,285 - Expendable Minor Equipment/Equipment Upgrade/Replacement \$1,410 - Copy/Publishing/Printing \$12,220 - Building Rent \$3,760 - Travel \$3,760 - Licenses \$940 - Registration/Seminars \$564 - Outside Services \$376 - Postage/Freight \$3,760 - Telephone/Fax/Long Distance Calls \$1,410 - Pocketnet/Data Service and Portable Radios \$122 - Photo ID Services/Background Checks \$705 - Copy Machine Charges FDLRS - Florida State University: \$497,750 - Salaries \$94 - Postage and Shipping \$5,828 - Travel \$5,494 - Testing Materials and Supplies FDLRS - University of South Florida: \$450,941 - Salaries \$2,820 - Travel \$19,167 - Telephone, Postage, Copier, Rental, Supplies \$59,429 - Rent FDLRS - University of Florida Health Science Center at Jacksonville: \$435,008 - Salaries \$700,500 - Clinic/Office Space Rental Expense \$9,412 - Electric \$9,588 - Phone/Internet \$3,028 - Water and Garbage \$28,006 - Repairs and Maintenance \$26,692 - Office and Testing Supplies \$2,820 - Minor Office Equipment \$13,885 - Travel \$3,572 - Postage \$3,290 - Equipment Rental \$658 - Marketing and Advertising \$15,980 - Equipment \$2,820 - Transcription Services \$9,400 - Consultant Fees

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
29	New World School of the Arts	-	966,375	-	966,375	The school, located in Dade County, was created as a center for the performing and visual arts to serve the State of Florida. The school offers a program of academic and artistic studies in the visual and performing arts which is available to talented high school and college students. The school is operated as a partnership between the Miami-Dade County public schools, Miami Dade Community College, and the University of Florida. \$736,591 - Salaries \$206,284 - Educational Materials and Supplies \$23,500 - Education Furniture and Equipment
30	School District Matching Grants Program	-	1,822,080	-	1,822,080	Funds challenge grants to public school district education foundations for programs that serve low-performing students. The amount of each grant is equal to the private contribution made to a qualifying public school district education foundation.
31	Teacher and School Administrator Death Benefits	-	57,984	-	57,984	Provides each teacher and school administrator with special death benefits if he/she is killed or dies while in performance of his/her teaching or administrative duties.

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
32	Autism Program	-	6,849,194	-	6,849,194	Funds the operation of seven regional Centers for Autism and Related Disabilities (CARDS) to provide nonresidential resource and training services. University of South Florida /FL Mental Health Institute: \$1,099,323 - Salaries and Benefits \$34,000 - Travel \$7,636 - Materials/Supplies \$24,000 - Subcontracts \$6,006 - Conference Support \$4,000 - Equipment \$26,300 - Printing/Telephone/Postage Univ. of Florida/College of Medicine: \$697,497 - Salaries and Benefits \$27,000 - Travel \$18,642 - Materials/Supplies \$2,000 - Equipment \$26,018 - Consultant Fees \$43,884 - Rent \$18,000 - Printing/Telephone/Postage University of Central Florida: \$876,186 - Salaries and Benefits \$36,000 - Travel \$50,573 - Materials/Supplies \$10,000 - Equipment \$55,956 - Rent Univ. of Miami - Pediatrics (includes funding for Broward thru Nova Univ): \$964,578 - Salaries and Benefits \$24,136 - Travel \$12,000 - Materials/Supplies \$270,806 - Subcontracts \$6,510 - Conference Support \$1,000 - Subscriptions \$23,000 - Printing/Telephone/Postage Florida Atlantic University: \$570,500 - Salaries and Benefits \$23,134 - Travel \$9,000 - Materials/Supplies \$3,575 - Conference Support \$6,125 - Equipment \$9,000 - Consultant Fees \$850 - Rent \$26,200 - Printing/Telephone/Postage \$1,600 - Books/Library Materials \$1,500 - Tuition University of Florida - Jacksonville: \$804,433 - Salaries and Benefits \$20,000 - Travel \$3,000 - Materials/Supplies \$4,341 - Conference Support \$3,500 - Equipment \$6,000 - Constituency Board Expenses \$500 - Advertising \$15,000 - Training \$8,000 - Consultant Fees \$3,326 - Printing/Telephone/Postage Florida State University - Communications: \$708,095 - Salaries and Benefits \$42,000 - Travel \$29,848 - Materials/Supplies \$6,000 - Equipment \$35,000 - Consultant Fees \$75,000 - Rent \$49,000 - Printing/Telephone/Postage \$5,635 - Other Expenses \$7,000 - Computing Services \$7,000 - Maintenance

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
33	Regional Education Consortium Services	-	1,660,750	-	1,660,750	<p>Provides operating funds for school districts with 20,000 or fewer unweighted full-time equivalent students to enter into cooperative agreements to form a regional consortium service organization. Northeast Florida Educational Consortium (NEFEC): \$300,000 - Salaries \$11,750 - Materials and Supplies \$400,000 - Purchased Services - GOALS, Healthy Schools Program, Instructional Technology, Personnel and Legal Services, Principal Leadership Academy stipends, Purchasing Program, School Board Policy Updates, Educator Recruitment Program Panhandle Area Educational Consortium (PAEC): \$442,527 Salaries \$50,000 - Professional and Technical Services \$19,277 - Travel \$5,500 - Rentals for Conferences, Meetings and Storage \$3,500 - Communications, Phones, Fax Line, Postage, Email \$124,000 - Printing, Web Hosting, Web Streaming, Duplications Services, Operations Costs, Project Dashboard, Evaluation \$5,590 - Consumable Supplies \$600 - Periodicals \$5,506 - Other Materials and Supplies \$2,200 - Furniture, Fixtures & Equipment \$3,100 - Computer Equipment \$1,000 - Computer Software \$1,500 - Dues and Fees Heartland Educational Consortium (HEC): \$264,707 - Salaries \$12,000 - Property Insurance \$7,993 - Travel</p>
34	Teacher Professional Development	-	354,327	134,580,906	134,935,233	<p>Funds programs and services for preparing and maintaining a high quality education workforce. Funds are directed to meet student achievement and professional development goals with an emphasis on scientifically-based reading methods. This category is primarily funded by federal dollars awarded through the Title II, Principal and Teacher Training and Recruiting Program, which require the following distribution: 94% to district and other local education associations based upon a formula distribution, 1% retained by the Department of Education for administration of the program, and 5% used for the operation of the Bureau of Educator Recruitment and Professional Development. Additional federal funding is for Title II, Part C, Teacher Quality Enhancement. \$256,913 - Florida Association of District Superintendents Training \$52,753 - Principal of the Year \$33,578 - Teacher of the Year \$11,084 - School Related Personnel of the Year</p>
35	School and Instructional Enhancements	-	479,572	-	479,572	<p>Funds innovative programs and projects as determined annually by the Legislature. State Science Fair: \$43,192 - Salaries \$8,191 - Rental Academic Tourney: \$57,462 - Salaries \$470 - Contracted Services \$22,724 - Travel \$3,008 - Telephone/Printing/Materials and Supplies/Audio-Visual Materials/Equipment \$1,974 - Other Personnel Services Arts for a Complete Education: \$160,464 - Salaries \$564 - Travel \$776 - Postage/Printing \$1,132 - Supplies/Instructional Materials/Other \$8,156 - Indirect Costs - 5% Florida Holocaust Museum: \$84,783 - Salaries \$5,448 - Employee Insurance \$21,454 - Exhibition Rental/Freight/Expenses \$2,855 - Dissemination/Marketing \$1,371 - Computer Support-Teacher Trainings \$26,263 - Contracted Services \$3,425 - Insurance \$1,427 - Books and Purchased Publications \$8,564 - Postage/Printing - Brochures and Newsletters \$1,599 - Speaker Fees/Honoraria \$1,712 - Maintenance & Repair - Equipment & Buildings \$2,283 - Seminars and Professional Development \$956 - Telephone \$2,855 - Travel \$4,140 - Utilities - Prorated \$2,142 - Web Site Hosting</p>

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
36	Exceptional Education	-	2,263,923	2,333,354	4,597,277	Funds programs that support gifted and disabled students. \$4,297 - Children's Registry and Information System \$866,227 - FDLRS Associate Centers \$88,380 - Fla Instructional Materials Center for the Visually Impaired \$355,320 - Portal to Exceptional Education Resources \$81,165 - Resource Materials and Technology Center for the Deaf and Hard of Hearing \$508,828 - Multi-Agency Service Network for Student with Severe Emotional Disturbance \$136,071 - Very Special Arts of Florida \$43,543 - Challenge Grants \$78,777 - Governor's Summer Program for Gifted and High-Achieving Students \$101,315 - Working on Gifted Issues Additional federal funding related to Individuals with Disabilities Education Act (IDEA) Part B - Public Law 105-17.
37	Florida School for the Deaf and Blind	-	41,534,207	4,329,617	45,863,824	Located in St. Augustine, the Florida School for the Deaf and Blind is a residential facility that offers education programs for pre-school through 12th grade and serves students whose academic abilities range from gifted to learning disabled. The school also has a statewide outreach program for parents of deaf or blind infants.
38	Human Resources Services Statewide Contract	-	26,173	2,861	29,034	Funds the NON-FEFP portion of the Human Resource outsourcing costs.
39						
40	Total - State Grants - K12 - NON FEFP	-	147,586,041	202,290,611	349,876,652	
41						

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
42	Budget Entity: Federal Grants - K12 Program					
43	Brief Description of Entity: The Federal Grants K-12 budget entity appropriates spending authority needed for federal grants, private grants and donations, and matching general revenue funds required for federal funds. Although the majority of K-12 federal and private funds are in this budget entity, a few are in the Non-FEFP budget entity since those programs also receive non-matching general revenue funding. These programs are Reading, Teacher Professional Development, Exceptional Education, and the Florida School for the Deaf and Blind.					
44	Projects, Contracts and Grants	-	-	4,099,420	4,099,420	This category provides budget authority for grant awards and other receipts received from private entities and other state agencies to be distributed as projects, contracts, or grants. Current and expected grant awards and receipts from private entities and other state agencies include Anti-Tobacco grants received in accordance with Sections 569.11 and 561.025, Florida Statutes, and Satellite Transponder Time received in accordance with Section 1001.28, Florida Statutes.
45	Federal Grants and Aids	-	-	1,512,912,755	1,512,912,755	This category is the primary appropriation for federally funded K-12 programs. The following federal programs are funded through this category: Language Instruction for Limited English Proficient and Immigrant Students, Education of Homeless Children and Youth, Public Charter Schools, Safe and Drug-Free Schools, Enhancing Education Through Technology, Neglected and Delinquent Children, Title I, Part A, Basic Grants to School Districts, Title I, Part C, Migrant Education, Title IV, Part B, 21st Century Community Learning Centers, Title V, Innovative Programs, Title VI, Part B, Rural Education Achievement Program, Individuals With Disabilities Education Act (IDEA) Part B—Public Law 105-17, IDEA, Part B, Preschool Florida's State Improvement Grant, Coordinated School Health Education Infrastructure, Florida Learn and Serve, Even Start, ESEA/NCLB Title I, Part B, Mathematics and Science Partnerships, NCLB, Title II, Part B, Safe and Drug-Free Schools and Communities, NCLB, Title IV, Part A, Voluntary Public School Choice, ESEA/NCLB, Title V, Part B, Transition to Teaching, Public Charter Schools, National Vocational Education Research, Gaining Early Awareness and Readiness (GEAR UP), Migrant Adult, School Impact, Special Education - State Program Improvement Grant for Children with Disabilities, School Improvement, Troops to Teachers, Infants and Toddlers, State Assessment and Related Activities, and National Assessment of Educational Progress.
46	School Lunch Program	-	-	615,817,265	615,817,265	Provides budget authority for federal funds received from the United States Department of Agriculture (USDA) for the National School Lunch Program. Due to the nature and volume of the funds, the Food and Nutrition Services Trust Fund was established for the specific purpose of recording the receipt and disbursement of these federal funds.
47	School Lunch Program - State Match	-	16,886,046	-	16,886,046	Provides funds for the matching requirement established annually by Congress for states to participate in the National School Lunch Program.
48	Total - Federal Grants - K12 Program	-	16,886,046	2,132,829,440	2,149,715,486	
49						

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
50	Budget Entity: Educational Media and Technology Services					
51	Brief Description of Entity: This budget entity appropriates funds supporting a statewide coordinated system of advanced telecommunications services and distance education.					
52	Capitol Technical Center	-	249,955	-	249,955	Funds the production of public television programming, televised coverage of the Florida Legislature and State Board of Education, and production assistance for the Department of Education.
53	Instructional Technology	-	2,732,308	-	2,732,308	Funds innovative, technology-based programs as determined annually by the Legislature in the Government Accountability Act. In previous years, support has been provided to FCAT Explorer and the Florida Knowledge Network, a statewide educational broadcast service of the Department of Education, which leases video programs nominated and selected by school district representatives for use by teachers in direct support of instruction. Web-Based Instruction Programs - NEFEC: \$80,795 - Salaries \$16,500 - Professional and Technical Services \$500 - Travel \$200 - Printing \$1,195 - Office Supplies/Materials/Furniture \$736,200 - District Licenses \$600 - Telephones/Postage/Copier FCAT Explorer: \$1,712,755 Statewide Licensing of Video Instructional Programming: \$183,513
54	Federal Equipment Matching Grant	-	165,827	-	165,827	Provides state funds to match the U. S. Department of Commerce's Public Telecommunications Facilities Program (PTFP) grants awarded to Florida's qualified public television and radio stations. Florida provides one dollar for each federal dollar awarded. WUFT - TV (Gainesville): \$64,142 - Studio Camera, Lens \$27,612 - 450 KW Diesel 3 Phase Generator Indian River State College: \$22,771 - Equipment and Antenna WFSU - TV (Tallahassee): \$19,273 - Equipment, Supplies, and contractor installation WXEL - TV (Palm Beach): \$32,029 - Digital Tramitter and Antenna
55	Florida Information Resource Network	-	-	11,749,846	11,749,846	The Florida Information Resource Network (FIRN) is a statewide interactive educational network designed to support the educational requirement for electronic transfer of information and to facilitate the electronic transfer of data within the public education system. Funds are allocated among K-12 public schools, charter and private schools as well as to community colleges and universities. Shift to NR to account for new contract costs and to provide school districts flexibility in obtaining their own E-rate and bandwidth services.
56	Public Broadcasting	-	9,934,727	-	9,934,727	Funds 13 public television stations and 13 public radio stations that provide statewide educational, cultural and governmental programming. Support is also provided to the Florida Channel. Section 1001.26, Florida Statutes. \$575,186 - Statewide Governmental and Cultural Affairs Programming Florida Channel Closed Captioning (FSU): \$111,941 - Salaries \$282,1321 - Othe Expenses - Independent Contractor Services, Communications, Shipping, Supplies Florida Channel Year Round Coverage (FSU): \$1,288,646 - Salaries \$9,400 - Bonus Pay \$1,410 - Building,Constructional and Textile Materials \$4,770 - Advertising \$29,021 - Computer IT Equipment/Computing \$6,446 - Educational Supplies \$16,450 - Furniture and Equipment \$7,520 - Gasoline \$9,400 - Independent Contractor \$2,820 - Non-Travel Reimbursement \$65,800 - Other Supplies \$5,640 - Parts and Fittings \$2,035 - Postage, Printing \$380 - Registration Fee/Social Services/Subscriptions \$1,880 - Rent \$7,708 - Repairs and Maintenance \$7,614 - Telecommunications \$43,710 - Travel 13 Public Television Stations:

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
						<p> \$477,917 - PBS Programming: National Program Service \$792,616 - PBS Programming: Member Service Assessment \$3,748,733 - Salaries \$12,775 - Office Supplies \$117,856 - Program Acquisitions \$6,580 - Program Productions \$42,913 - Operations \$14,596 - Administration \$5,653 - Telecommunications \$48,501 - Program Broadcast Rights \$23,500 - Tri-State Employment \$75,200 - Transmitter Utilities \$1,128 - Materials/Supplies \$376 - Equipment Rental \$840,200 - Unknown 13 Public Radio Stations: \$316,451 - NPR Programming \$858,651 - Salaries \$927 - Parts and Fittings \$470 - Computer Equipment \$47,367 - Transmitter Utilities \$22,404 - Engineering \$5 - Undistributed </p>
57	FETPIP/Workforce Development Management Information Systems	-	162,712	-	162,712	The Florida Education and Training Placement Information Program (FETPIP) is a data collection system that obtains follow-up data on former students. The information includes employment, continuing postsecondary education, military employment, public assistance participation, and incarceration data. This system supports work associated with workforce education reporting requirements. Section 1008.39, Florida Statutes.
58	Radio Reading Services for the Blind	-	349,328	-	349,328	Provides services to the visually impaired listener, which include reading from newspapers, magazines, books and other periodicals. Additional programming includes homemaking tips, vocational and rehabilitation assistance, and assistance to recently blinded listeners. Reading services are provided over specialized frequencies by public radio and television stations for the visually impaired citizens and students of Florida. There is currently no other provider of this service. \$349,328 - Salaries
59	Total - Educational Media and Technology Services	-	13,594,857	11,749,846	25,344,703	
60						

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
61	Budget Entity: State Board of Education					
62	Brief Description of Entity: The State Board of Education budget entity provides funding for the staff and operating expenditures of the K-20 education system within the Florida Department of Education.					
63	Salaries and Benefits	1,200.00	22,683,522	50,918,892	73,602,414	Provides funds for salaries and benefits for 1255.00 FTE at the Department of Education. \$55,882,687 - Salary and Wages \$9,847,417 - Social Security/Retirement \$98,745 - Pretax Administration \$9,154,508 - State Contribution to Employee Health, Life, and Disability Insurances \$1,129,500 - Bonuses
64	Other Personal Services	-	469,994	2,028,846	2,498,840	Funding for hourly employees and contract employees. \$1,101,860 - Temporary/Student/Graduate Assistant Employees \$83,890 - Social Security
65	Expenses	-	4,507,187	20,311,983	24,819,170	Funds the purchase of usual, ordinary, and incidental expenditures. \$31,230 - Unemployment Compensation Contribution \$801,789 - Telephones/Cellular Telephones/Pagers \$186,492 - Information Technology \$954,332 - Postage & Freight \$391,771 - Printing/Reproduction/Court Transcription \$78,474 - Repairs & Maintenance \$933,986 - Property, Equipment, Machinery Rental \$2,228,276 - In-State Travel \$375,410 - Out-of-State Travel \$15,040 - Electricity and Garbage Collection \$3,175 - Payments to Employees \$830,281 - Educational and Medical Supplies \$1,294 - Food Products \$512 - Janitorial and Household \$11,857 - Fuels/Parts/Lube \$810,177 - Office Supplies \$758,673 - Information Technology Supplies/Software \$240,049 - Insurances (Fire, Unemployment, Worker's Comp) \$6,019,912 - Distributions/Transfers from General Services, other State agencies, and non-government entities \$1,230,730 - Subscriptions/Dues/Registration Fees \$165,886 - Jurors/Witness/Evidence/Awards \$10,987 - Furniture and Equipment \$527 - Interest on Late Payments
66	Operating Capital Outlay	-	294,595	1,794,302	2,088,897	Funds the purchase of tangible property (computers, furniture, equipment, etc.) of a nonconsumable and nonexpendable nature, the value or cost of which is \$1,000 or more and the normal expected life of which is one year or more. \$42,018 - Furniture & Equipment \$561,615 - Information Technology \$56,714 - Principal and Interest
67	Assessment and Evaluation	-	32,192,137	38,806,962	70,999,099	Provides funds for the development, implementation, and evaluation of continuous improvement of student assessments, educator professional licensure examinations, college placement tests, academic skills tests, and program evaluations. \$139,911 - Temporary/Student/Graduate Student Employment \$68,282,330 - Consulting Fees \$12,891 - Mail/Delivery/Freight \$62,154 - Independent Services \$10,368 - Social Security \$6,990 - Cellular Telephones \$11,290 - Printing/Reproduction \$624 - Repairs & Maintenance \$59,387 - In-State Travel \$9,491 - Out-of-State Travel \$1,102 - Educational Supplies \$11,544 - Office Supplies \$17,140 - Information Technology Supplies/Training/Software \$6,462 - Insurance/Surety Bond \$8,562 - Distributions/Transfers from General Services, other State agencies, and non-government entities \$1,126 - Equipment Rental \$208 - Subscriptions \$7,004 - Furniture & Equipment \$45,626 - Information Technology \$7,564,367 - Aid to Counties - Education \$220,000 - State Financial Assistance
68	Commission for Independent Education	-	-	1,188,178	1,188,178	Provides operating funds for the Commission for Independent Education, which has statutory responsibilities in matters relating to non-public, postsecondary, educational institutions. \$1,088,178 - Aid to Counties - Education \$100,000 - Current Charges/Obligations

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
69	Transfer to Division of Administrative Hearings	-	177,647	-	177,647	Funds the Department of Education's portion of the state's administrative hearing costs. \$437,942 - Distribution & Transfers
70	Contracted Services	-	1,454,502	17,811,902	19,266,404	Contracted services funds the time and effort of a contractor rather than specific commodities. This category specifically funds contracts for services provided for maintaining Federal Family Education Loan Program system records and default prevention and aversion services. \$2,177,820 - Consulting Fees \$808,859 - Court/Legal/Expert Witness Fees \$22,859 - Janitor/Custodial Fees \$505,293 - Temporary Employment Services \$4,193 - Examination/Testing/Research Fees \$1,664,263 - Information Technology \$404,724 - Training \$479,878 - Employment/Legal/Official/Public Service Announcements \$256,865 - Security Services/Independent Contractor Services \$158,630 - Mailing and Delivery Services \$303,628 - Banking Services \$4,951 - Arbitrator/Mediator Services \$11,696,651 - Collection Services \$233,130 - Fingerprinting/Background Checks \$219,976 - Independent Services \$2,000 - Printing & Reproduction \$949,985 - Repairs & Maintenance \$40 - Mileage In-State Travel \$4,102 - Information Technology Supplies \$28,685 - Machinery Rental \$686,052 - Aid to Counties - Education
71	Choices Product Sales	-	-	400,000	400,000	Provides funds for the operations of the Department of Education Products Catalog that includes distribution, printing of "for sale" items, and the purchase of software. \$6,418 - Mailing and Delivery Services \$1,735 - Telephone \$1,863 - Printing & Reproduction \$92,864 - Purchases for Resale
72	Florida Academic Counseling and Tracking System for Students (FACTS)	-	235,264	-	235,264	Funds the Florida Academic Counseling and Tracking System for Students (FACTS), an interactive website that provides secondary and postsecondary students with access to personalized academic information. \$100,000 - Other Advertising Services/Newspaper/Magazine \$1,953,233 - Aid to Counties - Education
73	Litigation Expenses	-	39,046	-	39,046	Funds the costs associated with legal services provided by the Attorney General's Office. \$24,780 - Legal Fees \$174 - Court Reporting Transcription \$951 - Social Security
74	Educational Facilities Research and Development Projects	-	-	200,000	200,000	Funds technical training, assistance, and equipment for school districts pertaining to educational facilities. \$192,550 - Consulting Fees
75	Student Financial Assistance Management Information System	-	-	484,993	484,993	Provides funds for the administration of the State Student Financial Aid Database. \$100,000 - Consulting Fees \$210,850 - Information Technology \$8,660 - Mailing and Delivery \$54,402 - Independent Services \$2,554 - Communication - Cellular/Other \$10,073 - Repairs & Maintenance
76	Risk Management Insurance	-	530,140	301,811	831,951	Funds the State Board of Education's portion of the state's casualty insurance premium. \$6,973 - Automobile Insurance \$35,299 - General Liability Insurance \$635,552 - Worker's Compensation Insurance \$185,901 - Civil Rights Insurance
77	Human Resources Services Statewide Contract	-	178,042	334,626	512,668	Funds the State Board of Education's portion of the Human Resource outsourcing costs. \$511,872 - Human Resource Services

FY 2009-10 Base-Budget Review Details

	Program: Department of Education - PreK-12	FTE	General Revenue Fund	Trust Funds	Total All Funds	
78	Centralized Technology Resources	-	-	650,900	650,900	Funds the purchase of department-wide technology resources such as software licenses, computer maintenance, etc. \$90,979 - Information Technology OCO \$24,469 - Application Software Licenses \$524,734 - Repairs & Maintenance \$80 - Freight \$3,127 - Telephone \$1,811 - Independent Services
79	Education Data Warehouse	-	759,889	-	759,889	Funds the costs associated with maintaining the Florida K-20 Education Data Warehouse (EDW). The EDW integrates existing, transformed data extracted from multiple sources that are available at the state level. It provides a single repository of data relating to students served in the K-20 public education system as well as educational facilities, curriculum and staff involved in instructional activities. \$265,460 - Consulting Fees \$574,394 - Information Technology \$13,500 - Training \$51,103 - Repairs & Maintenance \$560 - In-State Travel \$11,430 - Information Technology OCO
80	Regional Data Centers - State University System	-	1,299,598	1,432,087	2,731,685	Provides funds to pay for data processing services provided by regional data centers located at state universities. The primary provider of services is the Northwest Regional Data Center (NWRDC) at Florida State University. \$2,737,298 - Information Technology
81	Education Technology and Information Services	-	2,930,945	4,442,174	7,373,119	This category is in the various education budget entities - the sum of which equals the appropriation for the Working Capital Trust Fund - which funds the data processing costs associated with the Department of Education Data Center. \$7,998,455 - Information Technology
82	Total - State Board of	1,200.00	67,752,508	141,107,656	208,860,164	
83	PROGRAM TOTAL	-	8,617,395,487	2,981,988,465	11,599,383,952	

State Board of Education - FTE Analysis

		Division/Bureau/Section	Fund FTE	Salary
			\$	
1 Commissioner of Education				
2		Commissioner of Education	14.00	1,067,879.68
3		Office of General Counsel	18.00	1,016,164.68
4		Office of Governmental Regulations	3.00	163,077.84
5		Office of Communications	6.00	307,187.64
6		External Affairs	11.00	417,750.96
7		Office of Inspector General	12.00	624,963.36
8		Independent Education and Parental Choice	27.00	1,300,207.08
9		Office of Strategic Initiatives	9.00	436,700.04
10		Commission for Independent Education	16.00	681,502.56
11			116.00	6,015,433.84
12				
13 Division of Accountability, Research & Measurement				
14		Accountability, Research & Measurement	6.00	387,222.72
15		Bureau of Assessment and School Performance	7.00	377,980.76
16		Post Secondary Assessment Section	6.00	268,806.60
17		K-12 Student Assessment Section	20.00	977,256.36
18		Bureau of Research and Evaluation	5.00	248,487.36
19		Education Information & Accountability Services Section	19.00	976,842.96
20		Evaluation and Reporting Section	8.00	352,203.96
21		Community College & Technical Center MIS Section	20.00	904,269.24
22		Florida Education & Training Placement Information Program	8.00	370,742.28
23		K-20 Data Warehouse	13.00	1,656,313.80
24			112.00	6,520,126.04
25				
26 Division of Finance and Operations				
27		Division of Finance and Operations	18.00	1,265,641.68
28		Bureau of Contracts, Grants and Procurement Management Services	9.00	435,210.60
29		Grants Training and Development Section	4.00	182,545.20
30		Grants Management Services Section	15.00	600,750.12
31		Contracts and Leasing Services Section	5.00	225,639.48
32		Procurement Services Section	5.00	232,818.72
33		Bureau of Budget Management	1.00	102,485.76
34		K-12 Budget Section	9.00	500,218.80
35		Community Colleges Budget Section	5.00	304,884.96
36		Bureau of Comptroller	48.00	1,821,004.08
37		OTIS - Applications Development and Support.	5.00	259,955.76
38		Internal Application Support Section	11.00	522,887.04
39		School Support Section	17.00	828,498.00
40		Internet Design Support Section	13.00	624,079.56
41		Student Data Communications Support Section	7.00	418,059.72
42		OTIS - OSFA Data Center	29.00	1,551,165.60
43		OTIS - Technology Planning & Management	9.00	446,655.96
44		OTIS - Educator Data Center	2.00	112,340.76
45		Telecommunications Section	7.00	272,810.28
46		Computer Operations Section	3.00	105,817.80
47		End-User Computer Services Section	8.00	317,118.36
48		Server Support Section	13.00	533,610.00
49		Desktop Support Services Section	10.00	372,043.08
50		OTIS - Educational Technology	13.00	579,249.36
51		Office of Student Financial Assistance	13.00	536,772.24

State Board of Education - FTE Analysis

	Division/Bureau/Section	Fund FTE	Salary
52	Correspondence Section	8.00	251,458.08
53	Outreach & Marketing Section	9.00	451,457.88
54	Guarantee Processing & Customer Services Section	21.00	807,526.92
55	Claims & Recovery Section	57.00	1,684,460.28
56	Operations Support Section	29.00	966,862.68
57	Program, Policy & Institutional Review Section	14.00	538,388.16
58	State Scholarships, Loans & Grants Section	40.00	1,458,451.32
59	Training and Development Section	5.00	217,219.56
60	Bureau of School Business Services	1.00	101,310.00
61	Food and Nutrition Management Section	20.00	849,349.68
62	Program Operations Subsection	8.00	367,699.80
63	Program Services Subsection	17.00	671,234.16
64	Funding and Financial Reporting Section	14.00	755,027.76
65	School Transportation Management Section	9.00	471,060.36
66	Office of Educational Facilities and SMART Schools Clearinghouse	33.00	1,901,724.96
67	Bureau of General Services	4.00	230,166.00
68	Mail Services Section	4.00	101,791.56
69	Warehouse and Distribution Center Section	7.00	220,419.48
70	Duplicating and Related Services Section	6.00	177,482.52
71	Department of Operations Resources Section	4.00	112,797.12
72	Bureau of Personnel Management	8.00	397,372.08
73	Labor Relations Section:	3.00	153,285.24
74		600.00	26,038,808.52
75			
76	Division of Public Schools		
77	Division of Public Schools	14.00	944,380.56
78	Office of Early Learning	14.00	741,911.04
79	Just Read, Florida!	9.00	515,099.16
80	Bureau of Student Assistance	19.00	848,668.68
81	Bureau of School Improvement	17.00	864,549.36
82	Office of Equal Educational Opportunity	3.00	138,446.28
83	Bureau of Family and Community Outreach	15.00	722,835.96
84	Bureau of Exceptional Education and Student Services	13.00	595,950.72
85	ESE Program Development & Services Section	13.00	612,481.42
86	Special Programs Information & Evaluation Services	6.00	285,815.40
87	ESE Program Administration and Quality Assurance Section	16.00	726,396.48
88	Bureau of Student Achievement through Language Acquisition	8.00	385,463.52
89	Bureau of Curriculum and Instruction	24.00	1,128,298.44
90	Education Practices Commission	4.00	178,782.60
91	Bureau of Educator Certification	3.00	181,223.52
92	Communication & Policy Development Section	16.00	551,985.00
93	Operations Section	37.00	1,252,359.72
94	Office of Professional Practices Services	25.00	1,130,845.32
95	Bureau of Educator Recruitment, Development & Retention	7.00	352,706.76
96	Educator Recruitment Section	6.00	254,866.68
97	Educator Preparation Section	4.00	166,604.88
98	Educator Professional Development Section	7.00	318,464.88
99	Educator Technology Learning and Innovation Section	3.00	139,720.56
100		283.00	13,037,856.94
101			

State Board of Education - FTE Analysis

	Division/Bureau/Section	Fund FTE	Salary
102	Division of Community Colleges		
103	Community Colleges	26.00	1,705,885.56
104		26.00	1,705,885.56
105			
106	Division of Workforce Education		
107	Division of Workforce Education	11.00	720,012.12
108	Budget & Accountability	5.00	285,601.20
109	Bureau of Career and Technical Programs	2.00	118,598.16
110	Apprenticeship Programs Section	11.00	463,709.04
111	K-12 Initiatives Section	3.00	147,562.80
112	Standards, Benchmarks & Frameworks Section	15.00	608,341.92
113	Bureau of Grants Administration and Compliance	4.00	204,755.52
114	Florida's West Coast Grants Section	5.00	218,606.16
115	Compliance Section	6.00	279,927.48
116	Florida's East Coast Grants Section	5.00	212,573.64
117	Bureau of Adult Workforce Education	8.00	321,434.04
118	Adult Education Services Section	7.00	302,301.84
119	Adult Migrant Program & Services Section	6.00	267,526.32
120	Career Planning & Production Distribution Section	8.00	322,905.72
121		96.00	4,473,855.96
122			
123			
124		1,233.00	57,791,966.86

Agency Budget Review
 Department of Education
 K-12
 FY 2008-09 Base Budget Contract Review

Budget Entity Title: Public Schools - Non FEFP
 Budget Entity Code: 48250400

1	Appropriation Category Title	Appropriation Category Code	Recur GR	Recur TF	Total Recurring Funds	Total Contract Cost	Fixed Costs	Hourly Cost	Vendor	Contract Beginning Date	Contract End Date	Contractually Obligated Increase & Amount	Agency Contract Manager	Initial Year Funded	Authority - Legislative Requirement or Agency Initiative	Program/Project Title	Procurement Requirements	Deliverable/Output/Benefit provided by vendor/contracting party	Provides Statewide Benefit? Yes/No, please explain	Non-Recurring funds provided to support obligation? Yes/No If yes, amount and type (GR or TF), and is the service provided every year?
2	G/A-READING INITIATIVES	100227			\$ -	Open Ended	NA		Riverside Publishing Company	4/13/2005	11/30/2010	Following January 2007 ordering period, the remaining base contract period, and through the two-year optional renewal period, this Contract is no cost to the Department because school districts shall order and purchase diagnostic reading assessment materials directly from the Contractor.	Cornelia Orr	Funds encumbered as orders are placed.	1010-1013 FS	Diagnostic Reading Assessment Instruments for Use in Florida Schools - Grades K-3	RFP 2004-20	Provide required products and services related to the implementation of a grades K-3 diagnostic reading assessment instrument.	Yes	
3	G/A-READING INITIATIVES	100227			\$ -	Open Ended	NA		NCS Pearson, Inc.	12/8/2004	11/30/2010	Following January 2007 ordering period, the remaining base contract period, and through the two-year optional renewal period, this Contract is no cost to the Department because school districts shall order and purchase diagnostic reading assessment materials directly from the Contractor.	Cornelia Orr	761,543.00	1010-1013 FS	Selection of Diagnostic Reading Assessment Instruments for Use in Florida Schools - Grades K-3	RFP 2004-20	Provide required products and services related to the implementation of a grades K-3 diagnostic reading assessment instrument.	Yes	
4	G/A-READING INITIATIVES	100227			\$ -	Open Ended	NA		Riverside Publishing Company	11/18/2004	11/30/2010	Following January 2007 ordering period, the remaining base contract period, and through the two-year optional renewal period, this Contract is no cost to the Department because school districts shall order and purchase diagnostic reading assessment materials directly from the Contractor.	Cornelia Orr	1,173,864.05	1010-1013 FS	Selection of Diagnostic Reading Assessment Instruments for Use in Florida Schools - Grades 4-12	RFP 2004-20	Provide required products and services related to the implementation of a grades K-3 diagnostic reading assessment instrument.	Yes	
5	G/A-EXCEPTIONAL EDUCATION	104053		\$ 2,225,646	\$ 2,225,646	2,225,646.00	X		The Ohio State University Research Foundation	5/15/2006	1/31/2009	134,527	Bambi Lockman	2,091,119.00	1010-1013 FS	Statewide Individual Education Plan (IEP)	Exempt	To develop and implement statewide standardized processes for the provision of exceptional student education services. The Statewide IEP will be used in all school districts and insure full compliance with all regulatory requirements.	Yes	
6	K-8 VIRTUAL EDUCATION	100429	\$ 7,665,600		\$ 7,665,600	7,665,600.00	X		Florida Connections Academy, LLC	8/1/2007	7/31/2010	NA	Sally Roberts	4,750,000.00	1010-1013 FS	K-8 Virtual School Program	Specific Appropriation	To make academic instruction available to full-time students in kindergarten through grade 8 using on-line and distance learning technology	Yes	
7	K-8 VIRTUAL EDUCATION	100429	\$ 8,011,200		\$ 8,011,200	8,011,200.00	X		K-12 Florida, LLC	8/1/2007	7/31/2010	NA	Sally Roberts	4,750,000.00	1010-1013 FS	K-8 Virtual School Program	Specific Appropriation	To make academic instruction available to full-time students in kindergarten through grade 8 using on-line and distance learning technology	Yes	
8	G/A-ASST/LOW PERF SCHOOLS	100291	\$ 5,130,346		\$ 5,130,346	5,130,346.00	X		The College Board	10/30/2008	9/30/2009	NA	Mary Jene Tapp	5,130,346.00	1010-1013 FS	Florida Partnership for Minority and Underrepresented Students	ITN 2008-18	In accordance with 1007.35, F.S., the Contractor will provide a coordinated series of programs, services and activities in Florida's secondary schools to increase opportunities for access and levels of preparedness for underrepresented students in low-performing schools and who are underrepresented in postsecondary education.	Yes	

**Agency Budget Review
Department of Education
K-12
FY 2008-09 Base Budget Contract Review**

**Budget Entity Title: Public Schools - Educational Media
Budget Entity Code: 48250600**

1	Appropriation Category Title	Appropriation Category Code	Recur GR	Recur TF	Total Recurring Funds	Total Contract Cost	Fixed Costs	Hourly Cost	Vendor	Contract Beginning Date	Contract End Date	Contractually Obligated Increase & Amount	Agency Contract Manager	Initial Year Funded	Authority - Legislative Requirement or Agency Initiative	Program/Project Titles	Procurement Requirements	Deliverable/Output/Benefit provided by vendor/contracting party	Provides Statewide Benefit? Yes/No, please explain	Non-Recurring funds provided to support obligation? Yes/No If yes, amount and type (GR or TF), and is the service provided every year?
2	G/A-INSTR TECH	100586	\$ 5,838,079		\$ 5,838,079	5,838,079.00	X		Infinity Software Development, Inc.	7/1/2006	6/30/2009	NA	Nikolai Vittil	6,000,000.00	1010-1013 FS	FCAT Explorer	RFQ 2006-01 State Term Contract 973-561-04-2	Support, Maintenance, Hosting & Development of the FCAT Explorer		
3	G/A-FL INFO RESOURCE NETWK	101344			\$ -	Open Ended	NA		Hayes E-Government Resources, Inc.	2/2/03	6/30/2009		Melinda Crowle	3,647,501.97	1010-1013 FS	FIRN	DMS			

**Agency Budget Review
Department of Education
K-12
FY 2008-09 Base Budget Contract Review**

Budget Entity Title: State Board of Education
Budget Entity Code: 48800000

1	Appropriation Category Title	Appropriation Category Code	Recur GR	Recur TF	Total Recurring Funds	Total Contract Cost	Fixed Costs	Hourly Cost	Vendor	Contract Beginning Date	Contract End Date	Contractually Obligated Increase & Amount	Agency Contract Manager	Initial Year Funded	Authority - Legislative Requirement or Agency Initiative	Program/Project Titles	Procurement Requirements	Deliverable/Output/Benefit provided by vendor/contracting party	Provides Statewide Benefit? Yes/No, please explain	Non-Recurring funds provided to support obligation? Yes/No If yes, amount and type (GR or TF), and is the service provided every year?
2	ASSESSMENT AND EVALUATION	100147	\$ 59,361,047		\$ 59,361,047	\$ 59,361,047	X		NCS Pearson, Inc.	2/28/2003	1/31/2010	502,271.25	Cornelia Orr	2,955,379.96	1010-1013 FS	FCAT	RFP 2002-26	Continued Development of the Florida Comprehensive Assessment Test (FCAT)	Yes	
3	ASSESSMENT AND EVALUATION	100147			\$ -	\$ 137,245,344	X		CTB/McGraw Hill, LLC	3/30/2005	11/30/2009		Cornelia Orr	10,324,067.48	1010-1013 FS	FCAT	RFP 2005-01	Administration of the FCAT	Yes	
4	MULTIPLE CATEGORIES	040000			\$ -	\$ 1,245,000	X		Bridges.com	7/1/2004	6/30/2009		Zelda Rogers	747,000.00	1010-1013 FS	Florida Choices - Career Information Delivery System	RFP 2004-01	Continuation of the State License Agreement for Florida Choices, a Career Information Delivery System	Yes	
5	CONTRACTED SERVICES	100777		\$ 4,502,584	\$ 4,502,584	\$ 4,502,584	X		R&B Receivables Management, Inc.	7/19/2004	7/11/2009	1,007,881.00	Robert Threewitts	616,250.00	1010-1013 FS	Default Prevention Services for the Federal Family Education Loan Program	ITN 2004-25	Default Prevention Services for the Federal Family Education Program DOE/OSFA	Yes	
6	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		NCO Financial Systems, Inc. (Formerly OSI Collection Services, Inc.)	1/13/2005	12/31/2009		Robert Threewitts	2,003,099.44	1010-1013 FS	Collection Services for the Office of Student Financial Assistance	ITN-2005-13	Collection Services for the Office of Student Financial Assistance for Delinquent & Defaulted Student Loan Accounts Held by the Department	Yes	
7	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		Windham Professionals, Inc.	1/13/2005	12/31/2009		Robert Threewitts	45,277.61	1010-1013 FS	Collection Services for the Office of Student Financial Assistance	ITN-2005-13	Collection Services for the Office of Student Financial Assistance for Delinquent & Defaulted Student Loan Accounts Held by the Department	Yes	
8	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		Diversified Collection Services, Inc.	1/13/2005	12/31/2009		Robert Threewitts	111,928.09	1010-1013 FS	Collection Services for the Office of Student Financial Assistance	ITN 2005-13	Collection Services for the Office of Student Financial Assistance for Delinquent & Defaulted Student Loan Accounts Held by the Department	Yes	
9	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		Allied Interstate, Inc.	1/7/2005	12/31/2009		Robert Threewitts	161,981.06	1010-1013 FS	Collection Services for the Office of Student Financial Assistance	ITN 2005-13	Collection Services for the Office of Student Financial Assistance for Delinquent & Defaulted Student Loan Accounts Held by the Department	Yes	
10	ASSESSMENT AND EVALUATION	100147			\$ -	\$ 13,509,354	X		Educational Testing Service	2/8/2006	11/30/2008		Cornelia Orr	1,618,210.39	1010-1013 FS	CELLA	Exceptional Purchase 2006-04	Implementation and Administration of the Common English Language Learners Assessment in Florida (CELLA)	Yes	
11	ASSESSMENT AND EVALUATION	100147			\$ -	Open Ended	X		NCS Pearson, d/b/a Pearson Assessments	1/18/2006	10/31/2010		Cornelia Orr	125,730.25	1010-1013 FS	Common Assessment Instrument for FL Juvenile Justice Education Programs	RFP 2006-02	Implementation of a Common Assessment Instrument for Florida Juvenile Justice Education Programs	Yes	
12	ASSESSMENT AND EVALUATION	100147	\$ 2,421,349		\$ 2,421,349	\$ 2,421,349	X		NCS Pearson, Inc. (Formerly Harcourt Assessment, Inc.)	3/29/2006	3/31/2009	145,413.00	Cornelia Orr	157,103.66	1010-1013 FS	Kindergarten Assessment	RFP 2006-07	Implementation of a Kindergarten Readiness Assessment for use in Florida Schools	Yes	

K-12
FY 2008-09 Base Budget Contract Review

Budget Entity Title: State Board of Education

Budget Entity Code: 48800000

1	Appropriation Category Title	Appropriation Category Code	Recur GR	Recur TF	Total Recurring Funds	Total Contract Cost	Fixed Costs	Hourly Cost	Vendor	Contract Beginning Date	Contract End Date	Contractually Obligated Increase & Amount	Agency Contract Manager	Initial Year Funded	Authority - Legislative Requirement or Agency Initiative	Program/Project Titles	Procurement Requirements	Deliverable/Output/Benefit provided by vendor/contracting party	Provides Statewide Benefit? Yes/No, please explain	Non-Recurring funds provided to support obligation? Yes/No If yes, amount and type (GR or TF), and is the service provided every year?
13	CONTRACTED SERVICES	100777			\$ -	\$ 623,893	X		Barkley Security Agency, Inc.	1/1/2006	12/31/2009	77,986.60	Martha Billings	77,986.60	1010-1013 FS	Security Services Contract	RFP 2006-04	Security Services Contract for the Turlington Bldg., Parking Garage, Lot 50 & Scrambled Parking Lots	No, Security Services for DOE Tallahassee Only	
14	CONTRACTED SERVICES	100777	\$ 300,000		\$ 300,000	\$ 300,000	X		Childtime Childcare, Inc.	11/1/2005	10/31/2009	50,000.00	Shan Goff	50,000.00	1010-1013 FS	Gwen Cherry Child Development Center	RFP 2006-05	Management of the Gwen Cherry Child Development Center (Child Care)	No	
15	OTHER PERSONAL SERVICES	030000	\$ 2,225,646		\$ 2,225,646	\$ 2,225,646	X		The Ohio State University Research Foundation	5/10/2006	5/14/2009	134,527.00	Bambi Lockman	100,000.00	1010-1013 FS	IEP Project	Exempt - 287.057 (22)	Statewide Individual Education Plan (IEP) Project	Yes	
16	ASSESSMENT AND EVALUATION	100147			\$ -	\$ 80,011,537	X		NCS Pearson, Inc. d/b/a National Evaluation Systems, Inc.	1/23/2007	12/31/2011	-2,617,070.00	Cornelia Orr	2,000,379.58	1010-1013 FS	Teacher Certification	RFP 2006.09	Continued Development and Administration of the Certification Examinations for Florida Educators	Yes	
17	OTHER PERSONAL SERVICES	030000		\$ 240,000	\$ 240,000	\$ 240,000	X		Oklahoma Scoring Service, Inc.	9/26/2006	6/30/2009	80,000.00	Alex Penn-Williams	80,000.00	1010-1013 FS	GED Essay Scoring	RFP 2006-17	GED Essay Test Scoring Service	Yes	
18	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		R&B Receivables Management, Inc.	4/12/2007	3/25/2012		Jeanie Carter	320,000.00	1010-1013 FS	Default Diversion Assistance for Student Loan Borrowers	RFP 2007-18	Default Aversion Assistance Services for the Department's Federally Guaranteed Student Loans	Yes	
19	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		NCO Financial Systems, Inc. (Formerly OSI Collection Services, Inc.)	4/12/2007	3/25/2012		Jeanie Carter	180,000.00	1010-1013 FS	Default Diversion Assistance for Student Loan Borrowers	RFP 2007-18	Default Aversion Assistance Services for the Department's Federally Guaranteed Student Loans	Yes	
20	ASSESSMENT AND EVALUATION	100147	\$ 5,090,864		\$ 5,090,864	\$ 5,090,864	X		Measured Progress, Inc.	4/12/2007	6/30/2009	1,389,440.00	Cornelia Orr	1,746,862.00	1010-1013 FS	Alternative Assessment	RFP 2007-14 Re-bid	Development of the Florida Alternative Assessments	Yes	
21	CONTRACTED SERVICES	100777	\$ 139,968		\$ 139,968	\$ 139,968	X		Lewis Digital, Inc.	11/1/2006	10/31/2009	36,720.00	Carole Lewis	63,072.00	1010-1013 FS	Copier Maintenance	2007-07 Re-bid	Copier Maintenance Agreement	No	
22	ASSESSMENT AND EVALUATION	100147	\$ 42,594,020		\$ 42,594,020	\$ 42,594,020	X		NCS Pearson, Inc.	10/26/2007	11/30/2012		Cornelia Orr	4,020,929.55	1010-1013 FS	NRT/FCAT	RFP 2007-12	Continued Implementation of the Norm-Referenced Test (NRT) Portion of the Florida Comprehensive Assessment Test (FCAT)	Yes	
23	CONTRACTED SERVICES	100777		\$ 337,195	\$ 337,195	\$ 337,195	X		Priority Technologies, Inc.	12/17/2007	12/14/2011		Robert Threewitts	80,000.00	1010-1013 FS	eSBS System Maintenance	DMS/DOE SS 2007/08-07	eSBS System Maintenance for Federally Regulatory Changes & Feature Enhancements	Yes	
24	EXPENSES	040000		\$ 860,000	\$ 860,000	\$ 860,000	X		Teachers-Teachers.com	7/1/2007	6/30/2009	460,000.00	Ian Barker	400,000.00	1010-1013 FS	Educator Recruitment	ITN 2007-16	Education Recruitment System and Support Services	Yes	

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FY 2008-09 Base Budget Contract Review

Budget Entity Title: State Board of Education

Budget Entity Code: 48800000

1	Appropriation Category Title	Appropriation Category Code	Recur GR	Recur TF	Total Recurring Funds	Total Contract Cost	Fixed Costs	Hourly Cost	Vendor	Contract Beginning Date	Contract End Date	Contractually Obligated Increase & Amount	Agency Contract Manager	Initial Year Funded	Authority - Legislative Requirement or Agency Initiative	Program/Project Titles	Procurement Requirements	Deliverable/Output/Benefit provided by vendor/contracting party	Provides Statewide Benefit? Yes/No, please explain	Non-Recurring funds provided to support obligation? Yes/No If yes, amount and type (GR or TF), and is the service provided every year?
25	CONTRACTED SERVICES	100777		\$ 594,050	\$ 594,050	\$ 594,050	X		Colyar Consulting Group, Inc.	7/16/2007	6/30/2010		Cathy Reed	418,050.00	1010-1013 FS	Child and Nutrition Program 2000 System Enhancements & Support Maintenance	RFQ- STC # 973-561-06-1	Implementation & Enhancement of a Feature-Rich, Web-Based Integrated Software to Assist in the Management of USDA Funded Child Nutrition Program	Yes	
26	EXPENSES	040000		\$ 594,050	\$ 594,050	\$ 594,050	X		Colyar Consulting Group, Inc.	7/16/2007	6/30/2010		Cathy Reed	32,000.00	1010-1013 FS	Child and Nutrition Program 2000 System Enhancements & Support Maintenance	RFQ- STC # 973-561-06-1	Implementation & Enhancement of a Feature-Rich, Web-Based Integrated Software to Assist in the Management of USDA Funded Child Nutrition Program		
27	CONTRACTED SERVICES	100777		\$ 330,706	\$ 330,706	\$ 330,706	X		Northwest Regional Data Center	8/22/2007	6/30/2012		Alan Peltz	80,599.00	1010-1013 FS	Disaster Recovery for Remote Site Project	Exemption 287.057(5)(f) 13	Disaster Recovery for Remote Site Project Between DOE & Santa Fe Community College	Yes	
28	CONTRACTED SERVICES	100777		\$ -	\$ -	\$ 520,023	X		HCL America, Inc.	12/1/2007	11/30/2010		David LaJeunesse	171,420.67	1010-1013 FS	BEC Document Imaging System Maintenance & Support	RFP 2007-23	Software License Maintenance, Maintenance Support Services for the Bureau of Educator Certifications' Document Imaging System Software & for the Purchase of FileNet Software License	Yes	
29	CONTRACTED SERVICES	100777	\$ 198,085	\$ 198,085	\$ 198,085		X		Integrated Biometric Technology, LLC	5/2/2008	4/23/2010		Gwen York	91,600.00	1010-1013 FS	Finger Printing Services	DFS Alternate Source Contract AA054	To Provide Finger Printing Services	Yes	
30	MULTIPLE CATEGORIES	040000	\$ 78,000	\$ 78,000	\$ 78,000			X	Broad and Cassell	7/1/2008	6/30/2009		Mari M. Presley	5,000.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Serve as Prosecutor of Assigned Cases arising from Professional Practices' Investigations (Chapter 1012 F.S.)	Yes	
31	MULTIPLE CATEGORIES	040000	\$ 50,000	\$ 50,000	\$ 50,000			X	Brooks, LeBoeuf, Bennett & Foster, P.A.	7/1/2008	6/30/2009		Mari M. Presley	3,500.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Serve as Prosecutor of Assigned Cases arising from Professional Practices' Investigations (Chapter 1012 F.S.)	Yes	
32	MULTIPLE CATEGORIES	040000	\$ 70,000	\$ 70,000	\$ 70,000			X	J. David Holder, P.A.	7/1/2008	6/30/2009		Mari M. Presley	3,500.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Serve as Prosecutor of Assigned Cases arising from Professional Practices' Investigations (Chapter 1012 F.S.)	Yes	
33	MULTIPLE CATEGORIES	040000	\$ 15,000	\$ 15,000	\$ 15,000			X	Bruce P. Taylor, Attorney at Law	7/1/2008	6/30/2009		Mari M. Presley	2,000.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Serve as Prosecutor of Assigned Cases arising from Professional Practices' Investigations (Chapter 1012 F.S.)	Yes	
34	MULTIPLE CATEGORIES	040000	\$ 130,000	\$ 130,000	\$ 130,000			X	Ron Weaver, Attorney at Law	7/1/2008	6/30/2009		Mari M. Presley	10,500.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Serve as Prosecutor of Assigned Cases arising from Professional Practices' Investigations (Chapter 1012 F.S.)	Yes	
35	MULTIPLE CATEGORIES	040000	\$ 210,000	\$ 210,000	\$ 210,000			X	Whitelock & Associates	7/1/2008	6/30/2009		Mari M. Presley	14,000.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Serve as Prosecutor of Assigned Cases arising from Professional Practices' Investigations (Chapter 1012 F.S.)	Yes	
36	MULTIPLE CATEGORIES	040000	\$ 140,000	\$ 140,000	\$ 140,000			X	Brustein & Manasevit	7/1/2008	6/30/2009		Martha Asbury	10,000.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Legal Counsel for the Agency in any Federal Audit Finding by the U. S. Department of Education or Other Federal Agency and Advising the DOE on Implementation of Any Federal Legislation Including "No Child Left Behind"	Y	

K-12
FY 2008-09 Base Budget Contract Review

Budget Entity Title: State Board of Education

Budget Entity Code: 48800000

1	Appropriation Category Title	Appropriation Category Code	Recur GR	Recur TF	Total Recurring Funds	Total Contract Cost	Fixed Costs	Hourly Cost	Vendor	Contract Beginning Date	Contract End Date	Contractually Obligated Increase & Amount	Agency Contract Manager	Initial Year Funded	Authority - Legislative Requirement or Agency Initiative	Program/Project Titles	Procurement Requirements	Deliverable/Output/Benefit provided by vendor/contracting party	Provides Statewide Benefit? Yes/No, please explain	Non-Recurring funds provided to support obligation? Yes/No If yes, amount and type (GR or TF), and is the service provided every year?
37	MULTIPLE CATEGORIES	040000		\$ 350,000	\$ 350,000	\$ 350,000		X	The Weatherly Law Firm	7/1/2008	6/30/2009		Lois Tepper	60,000.00	1010-1013 FS	Private Attorney Services	Exempt - 287.057(5)(f) 5	Legal Advice and Counsel in the area of Exceptional Student Education Law and the Federal Individuals with Disabilities Act	Yes	
38	ASSESSMENT AND EVALUATION	100147		\$ 4,371,263	\$ 4,371,263	\$ 4,371,263		X	Educational Testing Service	12/4/2008	11/30/2009		Cornelia Orr	960,600.70	1010-1013 FS	Education Testing	Single Source	The Vendor agrees to provide the required products and services necessary to the implementation and administration of the Comprehensive English Language Learning Assessment (CELLA) for use in Florida schools during the emergency contract period of 2008-2009.	Yes	
39	ASSESSMENT AND EVALUATION	100147	\$ 287,877		\$ 287,877	\$ 287,877	X		ACT, Inc.	9/17/2008	3/31/2009		Cornelia Orr	287,876.64	1010-1013 FS	ACT Testing	1007.35 (5) F. S.	Products and Services related to the Preliminary ACT (PLAN) Testing Program	Yes	
40	ASSESSMENT AND EVALUATION	100147	\$ 1,669,511		\$ 1,669,511	\$ 1,669,511	X		The College Board	9/17/2008	3/31/2009		Cornelia Orr	1,669,511.35	1010-1013 FS	PSAT Testing	1007.35 (5) F. S.	Products and Services Related to the Implementation of Preliminary SAT Testing (also know as PSAT/NMSQT)	Yes	
41	CONTRACTED SERVICES	100777		\$ 49,891	\$ 49,891	\$ 49,891	X		DTI Associates, Inc.	7/1/2008	6/30/2009		Teresa Bestor	49,891.00	1010-1013 FS	Student Achievement in Reading (STAR) Training	DOE SS 2008-12 AD	STAR Training for the State of Florida for Adult Education Practitioners	Yes	
42	CONTRACTED SERVICES	100777			\$ -	Open Ended			BA Merchant Services, Inc.	3/28/2007	12/13/2010		Jon Manalo	69,112.10	1010-1013 FS	Electronic Payment Receipt System		Electronic Payment Receipt System Between DOE, BA Merchant Services & Bank of America, N.A.	Yes	
43	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		Bank of America, Inc.	3/28/2007	12/31/2010		Jon Manalo	215,374.47	1010-1013 FS	Electronic Payment Receipt System		Participation Agreement Between BA Merchant Services LLC, America, N.A. & the Department for Electronic Payment Receipt Receipt System	Yes	
44	CONTRACTED SERVICES	100777		\$ 182,000	\$ 182,000	\$ 182,000	X		Florida Highway Safety and Motor Vehicles	7/1/2007	6/30/2009	91,000.00	Robert Threewitts	91,000.00	1010-1013 FS	Security for the Office of Student Financial Assistance		Security for the Office of Student Financial Assistance to Protect Personnel, Equipment & the Building	No, Tallahassee DOE/OSFA	
45	CONTRACTED SERVICES	100777			\$ -	Open Ended	X		The University of South Florida	5/14/2007	00/00/0000		Martha Asbury	93,741.70	1010-1013 FS	Computer Programming Support to the Department		The University of South Florida will Provide the Department with Computer Programming Support	Yes	
46	CONTRACTED SERVICES	100777			\$ -	\$ 464,996	X		Agency for Workforce Innovation	7/1/2007	6/30/2009	210,172.00	Andre Smith	28,000.00	1010-1013 FS	Performance Measures & Requirements	287.057(5)(f)13	Performance Measures & Requirements Required to Meet the Workforce Investment Act of 1998	Yes	
47	CONTRACTED SERVICES	100777		\$ 93,825	\$ 93,825	\$ 93,825	X		Florida Outdoor Advertising Association, Inc.	6/1/2008	9/30/2009		Cathy Reed	53,125.00	1010-1013 FS	National School Breakfast Week	DOE SS 2008-13 AD	National School Breakfast Awareness Billboard Campaign	Yes	

**Pre-K12 Appropriations Committee
Trust Funds**

#	Trust Fund	LAS/PBS Fund #	Controlling Statutory Authority	Statutory Purpose of Trust Fund	Specific Revenue Source(s)	2009-10 Base Budget (G25)
1	ADMINISTRATIVE TRUST FUND	48-2-021	s. 1001.282, FS	For management activities that are department-wide in nature and funded by indirect cost earnings or assessments against trust funds.	This fund will be created pursuant to Section 215.32, F. S. to serve as a depository for funds to be used for management activities that are departmental in nature. The revenue source would be indirect cost earnings on federal administrative funds for use by the agency.	13,902,687
2	ED CERTIFICATION/SVC TF	48-2-176	s. 1012.59 and 1010.74, FS	Teacher certification fees deposited into this trust fund are used for operation of the Department of Education's Office of Teacher Certification.	Teacher certification fees	7,268,034
3	EDUCATIONAL ENHANCEMENT TF	48-2-178	s. 24.12,1 FS, and Ch. 99-243, LOF	Lottery proceeds for education are deposited into this fund for appropriation to education entities.	Lottery proceeds	342,864,624
4	ED MEDIA & TECHNOLOGY TF	48-2-183	s. 1006.39(3) and 1010.80, FS	To pay costs of producing and disseminating educational materials and products.	Proceeds from sale of educational materials	400,000
5	DIV UNIV FAC CONST ADM TF	48-2-222	s. 1013.65, FS; Art. XII, s. 9(d) (8) (e)	For the funding of the DOE's Office of Educational Facilities.	PECO	4,786,149
6	FEDERAL GRANTS TRUST FUND	48-2-261		Department-wide fund to administer receipts and disbursements of Federal funding sources and grants.	Federal funds	1,781,164,757
7	FOOD & NUTRITION SVCS TF	48-2-315	s. 1006.06 and 1010.77, FS	For the recording of revenue and disbursement of federal funds for food & nutrition programs	Federal funds from the National School Lunch Act	621,024,474
8	GRANTS AND DONATIONS TF	48-2-339	s. 413.44 and 1002.36(4)(e), FS	To administer grants, gifts, and bequests, currently used in the D & B School and Vocational Rehabilitation.	Grants, gifts, and bequests	5,840,203
9	INSTITUTE ASSESSMENT TF	48-2-380	s. 1010.83, FS	To provide support for operational expenses of the Commission on Independent Career Education.	Licensure fees and fines from nonpublic postsecondary educational institutions and schools	3,585,765
10	STUDENT LOAN OPERATING TF	48-2-397	s. 1009.86, FS	Provides support for operational expenses of federal student loan programs and administrative expenses of student financial assistance programs.	Loan processing and issuance fees, administrative cost allowances, default aversion fees, and remaining balances from defaulted loans	30,247,347
11	OPERATING TRUST FUND	48-2-510	Recommend s. 1001.281, FS	Would meet the requirements of 215.32 which requires Agencies to have an Operating TF for funds for program operations funded by program revenues.	Monies generated from the leasing of available transponder time from the state's satellite transponder resources	1,665,327
12	PRINCIPAL STATE SCHOOL TF	48-2-543	Art IX s. 6, s. 1010.71, FS, and Ch. 99-243 LOF	Support and maintenance of free public schools.	Proceeds of escheated property or forfeitures, sale of public lands, donations, and appropriations	154,146,288
13	SOPHOMORE LEVEL TEST TF	48-2-646	s. 1008.29 and 1010.79, FS	Fees are collected to be used for alternative test dates for the College Level Academic Skills Test (CLAST).	Fees from students who attend non-public post secondary schools and students who require special test administrations	116,920
14	TEACHER CERT EXAM TF	48-2-727	s. 1010.75 and 1012.59, FS	To continue development and implementation of the teacher certification exam.	Test fees	5,655,301
15	WORKING CAPITAL TRUST FUND	48-2-792				9,320,589

2,981,988,465

STAFF OBSERVATIONS

PreK-12 Appropriations Committee

Committee-Wide General Observations

1	Contracted Services paid from Expenses Several contractual services are being procured by the agency using funds from the Expenses appropriation category (\$1.8 million in Trust Funds and \$615,000 from General Revenue). Pursuant to chapter 2005-152, Laws of Florida, these funds should be transferred to the Contracted Services appropriation category.
2	Payments for Consultant Services Within the State Board of Education budget, there appears to be an inordinate amount of expenditures recorded as consultant fees or independent services not otherwise classified (\$71 million).
3	Information Technology (IT) services In fiscal year 2007-08, DOE utilized IT services and hosting through the Education Data Warehouse, Northwest Regional Data Center (NWRDC), and the Department of Education Data Center. A total of \$5 million in general revenue and \$5.9 million in trust fund dollars was spent for these purposes. It appears the services could be consolidated to the most cost effective hosting center. A report from the Office of Program Policy Analysis and Government Accountability (OPPAGA) is expected sometime in March to address this issue.
4	Payments for Dues, Subscriptions, and Registration fees In fiscal year 2007-08, DOE expended \$1.3 million for dues, subscriptions and fees. These types of expenditures may not be critical in the current economic downturn and should be researched to see whether costs could be reduced or eliminated.
5	Contract Review DOE 5-year contract with NCS Pearson, Inc., procured in October 2007, in the amount of \$42.5 million for "continued implementation of the Norm Referenced Test (NRT) portion of the Florida Comprehensive Assessment Test (FCAT)". The 2008 Legislature removed requirement and authorization for the administration of NRT tests beginning in the 2008-09 school year. Based on the 2007-08 estimated cost of NRT administration of \$6 million and the 2008-09 invoices received of \$1.3 million, the remaining contract balance of \$35.2 should be reduced to zero. It is unknown whether there is budget and/or cash to support the remainder of the contract or if the Department has not updated the list of contracts.

Core Mission Exercise General Guidelines

To the extent data is available, the FY 2009-10 base budget can be subdivided into discrete activities or functions that are being funded within a budget entity. Special categories/issues or other more discreet delineations may be shown separately as appropriate for the exercise.

For each budget entity, function, or activity, indicate "Yes" or "No" for:

1. **Core Mission.** Is the budget entity, function, or activity shown central to or "core" to the agency's **legal mandates?**

2. **Statewide Critical Spending.** Is the budget entity, function, or activity shown critical for:
 - a. Public Safety:
 - i. Security, basic health and subsistence for the state prison population and juvenile justice detention and commitment populations, with no changes to current law and policy (e.g., no early release).
 - ii. State sworn law enforcement functions, including homeland security response readiness, that directly preserves and protects public safety.
 - iii. Judicial Branch criminal justice functions, including state prosecution and defense.
 - iv. State agencies' ability and readiness to respond to domestic emergencies, natural disasters, and public health crises or emergencies.
 - v. State agency services required to mitigate immediate public safety hazards (e.g., transportation repairs and maintenance).
 - b. Health and Welfare:
 - i. Direct treatment or intervention services to preserve life and to prevent or manage permanent disability.
 - ii. Health care and subsistence services for persons in state residential facilities.
 - iii. Protective services for children and adults.
 - c. State Obligations:
 - i. State obligations for debt service.
 - ii. State obligations that cannot be reduced or eliminated by future legislatures through statutory amendment or reductions in appropriations (e.g., pension obligations for current employees).
 - iii. State funding for risk management costs.
 - d. Necessary administrative support costs for any state critical spending.

3. **Is the funding level shown required by Florida Constitution, federal law, or for state match or Maintenance of Effort (MOE)?**

PROPOSED INITIAL FORMULA REDUCTIONS:

- (1) Not Core, Not Critical, Not Required: Reduction = 100%
- (2) Core but Not Critical, Not Required: Reduction = 15%
- (3) Critical or Required: Reduction = 0%

	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
1	Core Mission Analysis for FY 2009-10																		PRE-K/K-12/SBE
2																			Formula Percentage: -15%
3	FY 2009-10 Base Budget																		
4	APPROPRIATION CATEGORY	FTE	GR	EETF (Lottery)	Other State TF	Fed TF	TOTAL	(1) Core Agency Mission? Y/N	(2) State- wide Critical Spending ? Y/N	(3) Const. Req/ Fed Req/ MOB or Match? Y/N	INITIAL FORMULA REDUCTIONS: (1) Not Core, Not Critical, Not Required: Reduction = 100% (2) Core but Not Critical, Not Required: Reduction = Formula Percentage Shown Above (3) Critical or Required: Reduction = 0%					Legal Authority	Packet Page Number		
5	Early Learning																		
6	Prekindergarten Education																		
7	VPK (Trf VPKFunds To AWI)		349,389,114				349,389,114			N	0.00	0	0	0	0	0	0	Article IX, Section I(3)(b); 1002.51-1002.79	p. 1-30
8	Early Learning Standards/Accbty		1,601,887				1,601,887			N	0.00	0	0	0	0	0	0	Article IX, Section I(3)(b); 1002.51-1002.79	p. 1-30
9	Early Learning	0.00	350,991,001		0	0	350,991,001				0.00	0	0	0	0	0	0		
10																			
11	Public Schools																		
12	Pgm: State Grants/K12-FEFP																		
13	Florida Education Finance Program		4,801,104,003		67,985,190		4,869,089,193			N	0.00	0	0	0	0	0	0	s.1011.60 - 1011.66; s. 1011.69	p. 31-64
14	Class Size Reduction		2,467,875,514	127,154,421	86,161,098		2,681,191,033			N	0.00	0	0	0	0	0	0	Article IX, Section I; s. 1011.64; s. 1011.685	p. 54-55; 63
15	Discretionary Lottery Funds			65,474,309			65,474,309			N	0.00	0	0	0	0	0	0	GAA Spec. Appr. 7; s. 1001.452	p. 143-145
16	School Recognition Awards			147,235,894			147,235,894			N	0.00	0	0	0	0	0	0	s. 1008.36;	p. 65-66
17	Instructional Material		253,945,129				253,945,129			N	0.00	0	0	0	0	0	0	s. 1011.67	p. 58-59
18	Student Transportation		460,903,559				460,903,559			N	0.00	0	0	0	0	0	0	s. 1011.68	p. 60-62
19	Florida Teachers Lead Program		36,756,829				36,756,829			N	0.00	0	0	0	0	0	0	s. 1012.71	p. 67-68
20	Pgm: State Grants/K12-FEFP	0.00	8,020,585,034	339,864,624	154,146,288	0	497,660,388				0.00	0	0	0	0	0	0		
21																			
22	Pgm: St Grant/K12-Non FEFP																		
23	Instructional Materials										0.00	0	0	0	0	0	0		
24	Partially Sighted Materials		171,276				171,276			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 85; FY 08-09 Spec Sess GAA Spec. Appr. 46	
25	Sunlink		752,104				752,104			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 85; FY 08-09 Spec Sess GAA Spec. Appr. 46	
26	Learning Thru Listening		856,377				856,377			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 85; FY 08-09 Spec Sess GAA Spec. Appr. 46	
27	Instructional Materials Mgmt		90,463				90,463			N	0.00	0	0	0	0	0	0	s. 1006.29(2)(c)	p. 193-194
28	Excellent Teaching		52,253,390	3,000,000			55,253,390			N	0.00	0	0	0	0	0	0	s. 1012.72	p. 69-70
29	Professional Practices-Substitutes		59,525				59,525			N	0.00	0	0	0	0	0	0	s. 1012.79(4)	p. 195-197
30	Reading Initiatives - Just Read Florida		11,750,000				11,750,000			N	0.00	0	0	0	0	0	0	s. 1001.215	p. 71-72
31	Reading Initiatives - Just Read Florida					58,043,873	58,043,873			Y	0.00	0	0	0	0	0	0	Title I, Part B, Reading First	
32	Assistance to Low Performing Sch's		4,822,525				4,822,525			N	0.00	0	0	0	0	0	0	s. 1007.35	p. 73-76
33	Mentoring/Student Initiatives						0				0.00	0	0	0	0	0	0		
34	Best Buddies		618,926				618,926			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
35	Take Stock in Children		2,690,985				2,690,985			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
36	Project to Advance Sch Success		764,240				764,240			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
37	Big Brothers, Big Sister		1,533,861				1,533,861			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
38	Learning for Life		1,399,312				1,399,312			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
39	Girl Scouts of Florida		430,558				430,558			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
40	Black Male Explorers		322,918				322,918			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
41	Boys and Girls Clubs		1,399,312				1,399,312			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
42	Governor's Mentoring Initiative		331,306				331,306			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
43	YMCA State Alliance		807,296				807,296			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 91; FY 08-09 Spec Sess GAA Spec. Appr. 52	
44	K-8 Virtual Education		5,047,392				5,047,392			N	0.00	0	0	0	0	0	0	s. 1002.415 & s. 1002.45	p. 77-80; 189-192
45	College Reach Out Prog		2,740,400				2,740,400			N	0.00	0	0	0	0	0	0	s. 1007.34	p. 81-84
46	Diagnostic/Learning Resource Ctrs		2,729,290				2,729,290			N	0.00	0	0	0	0	0	0	s. 1006.03	p. 85-86
47	New World School-Arts		966,375				966,375			N	0.00	0	0	0	0	0	0	s. 1002.35	p. 87
48	Sch District Matching Grants Prg		1,822,080				1,822,080			N	0.00	0	0	0	0	0	0	s. 1011.75; FY 08-09 GAA Spec. Appr. 98	p. 88-89
49	Teacher Death Benefits		57,984				57,984			N	0.00	0	0	0	0	0	0	s. 1012.05(2)(q)	p. 90-92
50	Autism Program (CARD Centers)		6,849,194				6,849,194			N	0.00	0	0	0	0	0	0	s. 1004.55	p. 93-94
51	Regional Education Consortium Svcs		1,660,750				1,660,750			N	0.00	0	0	0	0	0	0	s. 1001.451	p. 95-96
52	Teacher Professional Dev		354,327				354,327			N	0.00	0	0	0	0	0	0	s. 1001.47(4); s. 1001.47(5)	p. 97-98
53	Teacher Professional Dev					134,580,906	134,580,906			Y	0.00	0	0	0	0	0	0	Title II, Principal and Teacher Training and Recruiting Program; Title II, Part C, Teacher Quality Enhancement	
54	School/Instructional Enhancements						0				0.00	0	0	0	0	0	0		
55	State Science Fair		51,383				51,383			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 103; FY 08-09 Spec Sess GAA Spec. Appr. 60	
56	Academic Tourney		85,638				85,638			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 103; FY 08-09 Spec Sess GAA Spec. Appr. 60	
57	Arts for a Complete Education		171,275				171,275			N	0.00	0	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 103; FY 08-09 Spec Sess GAA Spec. Appr. 60	

	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Core Mission Analysis for FY 2009-10 PRE-K/K-12/SBE																	
2	Formula Percentage: -15%																	
3	FY 2009-10 Base Budget						(1) Core Agency Mission? Y/N	(2) State- wide Critical Spending ? Y/N	(3) Const. Req/ Fed Req/ MOE or Match? Y/N	INITIAL FORMULA REDUCTIONS: (1) Not Core, Not Critical, Not Required: Reduction = 100% (2) Core but Not Critical, Not Required: Reduction = Formula Percentage Shown Above (3) Critical or Required: Reduction = 0%								
4	APPROPRIATION CATEGORY	FTE	GR	EETF (Lottery)	Other State TF	Fed TF	TOTAL				FTE	GR	EETF (Lottery)	Other State TF	Fed TF	TOTAL	Legal Authority	Packet Page Number
58	Florida Holocaust Museum		171,276				171,276			N	0.00	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 103; FY 08-09 Spec Sess GAA Spec. Appr. 60	
59	Exceptional Education		2,263,923				2,263,923			N	0.00	0	0	0	0	0	s. 1003.57	p. 99-101
60	Exceptional Education					2,333,354	2,333,354			Y	0.00	0	0	0	0	0	Individuals with Disabilities Education Act (IDEA) Part B, Public Law 105-17	
61	Fl Sch/Deaf & Blind		41,534,207		1,739,616		43,273,823			N	0.00	0	0	0	0	0	s. 1002.36	p. 102-108
62	Fl Sch/Deaf & Blind					2,590,001	2,590,001			Y	0.00	0	0	0	0	0	s. 1002.36	p. 102-108
63	Human Resources Statewide Contract		26,173		1,167		29,034			Y	0.00	0	0	0	0	0		
64	Pgm: St Grant/K12-Non FEFP	0.00	147,586,041	3,000,000	1,740,783	197,549,828	349,876,652				0.00	0	0	0	0	0		
65																		
66	Pgm: Fed Grants K/12 Prog																	
67	Projects, Contracts & Grants				4,099,420		4,099,420			Y	0.00	0	0	0	0	0	s. 1001.28	p. 109-110
68	Federal Grants & Aids					1,512,912,755	1,512,912,755			Y	0.00	0	0	0	0	0	Title I, Part A, Basic Grants to School Districts, Title I, Part C, Migrant Education, Title IV, Part B, 21st Century Community Learning Centers, Title V, Innovative Programs, Title VI, Part B, Rural Education Achievement Program, Individuals With Disabilities Education Act (IDEA) Part B--Public Law 105-17, IDEA, Part B, Preschool Florida's State Improvement Grant, ESEA/NCLB Title I, Part B, Mathematics and Science Partnerships, NCLB, Title II, Part B, Safe and Drug-Free Schools and Communities, NCLB, Title IV, Part A, Voluntary Public School Choice, ESEA/NCLB, Title V, Part B, Transition to Teaching, Public Charter Schools	
69	School Lunch Program					615,817,265	615,817,265			Y	0.00	0	0	0	0	0	s. 1006.06	p. 111-112
70	Sch Lunch Prg/St Match		9,295,134				9,295,134			N	0.00	0	0	0	0	0	s. 1006.06	p. 111-112
71	Sch Breakfast Supplement		7,590,912				7,590,912			N	0.00	0	0	0	0	0	s. 1006.06(5)(a)	p. 111-112
72																		
73																		
74	Capitol Technical Center		249,955				249,955			N	0.00	0	0	0	0	0		
75	Instructional Technology		2,732,308				2,732,308			N	0.00	0	0	0	0	0	FY 08-09 GAA Spec. Appr. 112; FY 08-09 Spec Sess GAA Spec. Appr. 64	
76	Federal Equip Match Grant		165,827				165,827			Y	0.00	0	0	0	0	0		
77	Fl Info Resource Netwk (FIRN)					11,749,846	11,749,846			Y	0.00	0	0	0	0	0	s. 1001.28; FY 08-09 GAA Spec. Appr. 114	p. 146-147
78	Public Broadcasting		9,934,727				9,934,727			N	0.00	0	0	0	0	0	s. 1001.26	p. 113-114
79	FETPIP/Workforce Develop MIS		162,712				162,712			N	0.00	0	0	0	0	0	s. 1008.39	p. 115-116
80	Radio Read Svcs Blind		349,328				349,328			N	0.00	0	0	0	0	0		
81	Pgm: Fed Grants K/12 Prog	0.00	30,480,903	0	4,099,420	2,140,479,866	2,175,060,189				0.00	0	0	0	0	0		
82	Public Schools	0.00	8,198,651,978	342,864,624	159,986,491	2,338,029,694	11,039,532,787				0.00	0	0	0	0	0		
83																		
84	State Board Of Education																	
85	Salaries And Benefits	1,200.00	22,683,522		15,450,989		38,134,511			N	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
86	Salaries And Benefits					35,467,903	35,467,903			Y	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
87	Other Personal Services		469,994		382,100		852,094			N	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
88	Other Personal Services					1,646,746	1,646,746			Y	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
89	Expenses		4,507,187		5,421,114		9,928,301			N	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
90	Expenses					14,890,869	14,890,869			Y	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
91	Operating Capital Outlay		294,595		224,736		519,331			N	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
92	Operating Capital Outlay					1,569,566	1,569,566			Y	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
93	Assessment And Evaluation		32,192,137		5,772,221		37,964,358			N	0.00	0	0	0	0	0	s. 1008.22; s. 1003.438; s. 1003.41; s. 1008.25; s. 1002.69; s. 1007.35; s. 1012.225; s. 1012.56; s. 1007.25; s. 1008.30; FY 08-09 GAA Spec. Appr. 133	p. 126-133; 154-188
94	Assessment And Evaluation					33,034,741	33,034,741			Y	0.00	0	0	0	0	0	s. 1008.22; s. 1003.438; s. 1003.41; s. 1008.25; s. 1002.69; s. 1007.35; s. 1012.225; s. 1012.56; s. 1007.25; s. 1008.30; FY 08-09 GAA Spec. Appr. 133	p. 126-133; 154-188
95	Commisson for Independent Ed.				1,188,178		1,188,178			N	0.00	0	0	0	0	0	s. 1005.21-22	p. 134-138
96	Trans To Div Adm Hearings		177,647				177,647			N	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
97	Contracted Services		1,454,502		1,493,667		2,948,169			N	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
98	Contracted Services					16,318,235	16,318,235			Y	0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
99	G/A-Choices Product Sales				400,000		400,000			N	0.00	0	0	0	0	0		
100	Tr/Grants & Donat Tf/Facts		235,264				235,264			N	0.00	0	0	0	0	0		
101	Litigation Expenses		39,046				39,046			N	-0.00	0	0	0	0	0	s. 1001.01 - s. 1001.03 and s. 1001.10 - s. 1001.11	p. 117-125; 148-153
102	Ed Fac Res & Dev Proj				200,000		200,000			N	0.00	0	0	0	0	0		

1 **Core Mission Analysis for FY 2009-10** **PRE-K/K-12/SBE**

2 Formula Percentage: -15%

3	FY 2009-10 Base Budget	(1) Core Agency Mission? Y/N	(2) State- wide Critical Spending ? Y/N	(3) Const. Req/ Fed Req/ MOB or Match? Y/N	INITIAL FORMULA REDUCTIONS:						Legal Authority	Packet Page Number			
					(1) Not Core, Not Critical, Not Required: Reduction = 100% (2) Core but Not Critical, Not Required: Reduction = Formula Percentage Shown Above (3) Critical or Required: Reduction = 0%										
4	APPROPRIATION CATEGORY	FTE	GR	EETF (Lottery)	Other State TF	Fed TF	TOTAL	FTE	GR	EETF (Lottery)	Other State TF	Fed TF	TOTAL		
103	Student Fin Asst/Mis					484,993	484,993	0.00	0	0	0	0	0	s. 1009.94	p. 139
104	Risk Management Insurance		530,140		108,697	193,114	831,951	0.00	0	0	0	0	0		
105	Human Resources Statewide Contract		178,042		100,743	233,883	512,668	0.00	0	0	0	0	0		
106	Centralized Technology				650,900		650,900	0.00	0	0	0	0	0		
107	Education Data Warehouse		759,889				759,889	0.00	0	0	0	0	0	s. 1008.31	p. 140-142
108	Regional Data Centers-Sus		1,299,598		2,669		1,302,267	0.00	0	0	0	0	0		
109	Regional Data Centers-Sus					1,429,418	1,429,418	0.00	0	0	0	0	0		
110	Edu Tech/Information Svcs		2,930,945		1,402,071		4,333,016	0.00	0	0	0	0	0		
111	Edu Tech/Information Svcs					3,040,103	3,040,103	0.00	0	0	0	0	0		
112	State Board Of Education	1,200.00	67,752,508	0	32,798,085	108,309,571	208,860,164	0.00	0	0	0	0	0		
113	PRE-K/K-12/SBE Total	1,200.00	8,617,395,487	342,864,624	192,784,576	2,446,339,265	11,599,383,952	0.00	0	0	0	0	0		
114															
115	PRE-K/K-12/SBE Total	1,200.00	8,617,395,487	342,864,624	192,784,576	2,446,339,265	11,599,383,952								



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1002.51 Definitions.--As used in this part, the term:

- (1) "Department" means the Department of Education.
- (2) "Early learning coalition" or "coalition" means an early learning coalition created under s. [411.01](#).
- (3) "Prekindergarten director" means an onsite person ultimately responsible for the overall operation of a private prekindergarten provider or, alternatively, of the provider's prekindergarten program, regardless of whether the person is the owner of the provider.
- (4) "Prekindergarten instructor" means a teacher or child care personnel as defined in s. [402.302](#) who provide instruction to students in the Voluntary Prekindergarten Education Program.
- (5) "Private prekindergarten provider" means a provider other than a public school which is eligible to deliver the school-year prekindergarten program under s. [1002.55](#) or the summer prekindergarten program under s. [1002.61](#).

History.--s. 1, ch. 2004-484.

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1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.--

(1) There is created the Voluntary Prekindergarten Education Program. The program shall take effect in each county at the beginning of the 2005-2006 school year and shall be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.

(2) 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.

(3) The parent of each child eligible under subsection (2) may enroll the child in one of the following programs:

(a) A school-year prekindergarten program delivered by a private prekindergarten provider under s. [1002.55](#);

(b) A summer prekindergarten program delivered by a public school or private prekindergarten provider under s. [1002.61](#); or

(c) A school-year prekindergarten program delivered by a public school, if offered by a school district that is eligible under s. [1002.63](#).

Except as provided in s. [1002.71\(4\)](#), a child may not enroll in more than one of these programs.

(4)(a) Each parent enrolling a child in the Voluntary Prekindergarten Education Program must complete and submit an application to the early learning coalition through the single point of entry established under s. [411.01](#).

(b) The application must be submitted on forms prescribed by the Agency for Workforce Innovation and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s. [1002.71\(6\)\(b\)2.](#), that the parent chooses the private prekindergarten provider or public school in accordance with this section and directs that

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payments for the program be made to the provider or school. The Agency for Workforce Innovation may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(c) Each early learning coalition shall coordinate with each of the school districts within the coalition's county or multicounty region in the development of procedures for enrolling children in prekindergarten programs delivered by public schools.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the coalition's county or multicounty region. The profiles shall be provided to parents in a format prescribed by the Agency for Workforce Innovation. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

(6)(a) A parent may enroll his or her child with any private prekindergarten provider that is eligible to deliver the Voluntary Prekindergarten Education Program under this part; however, the provider may determine whether to admit any child. An early learning coalition may not limit the number of students admitted by any private prekindergarten provider for enrollment in the program. However, this paragraph does not authorize an early learning coalition to allow a provider to exceed any staff-to-children ratio, square footage per child, or other requirement imposed under ss. 402.301-402.319 as a result of admissions in the prekindergarten program.

(b) A parent may enroll his or her child with any public school within the school district which is eligible to deliver the Voluntary Prekindergarten Education Program under this part, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in a summer prekindergarten program delivered by a public school under s. 1002.61.

(c) Each private prekindergarten provider and public school must comply with the antidiscrimination requirements of 42 U.S.C. s. 2000d, regardless of whether the provider or school receives federal financial assistance. A private prekindergarten provider or public school may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the Voluntary Prekindergarten Education Program, in violation of these antidiscrimination requirements.

History.--s. 1, ch. 2004-484.

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1002.55 School-year prekindergarten program delivered by private prekindergarten providers.--

(1) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. [1002.53\(3\)\(a\)](#) in a school-year prekindergarten program delivered by a private prekindergarten provider.

(2) Each school-year prekindergarten program delivered by a private prekindergarten provider must comprise at least 540 instructional hours.

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(a) The private prekindergarten provider must be a child care facility licensed under s. [402.305](#), family day care home licensed under s. [402.313](#), large family child care home licensed under s. [402.3131](#), nonpublic school exempt from licensure under s. [402.3025\(2\)](#), or faith-based child care provider exempt from licensure under s. [402.316](#).

(b) The private prekindergarten provider must:

1. Be accredited by an accrediting association that is a member of the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools and have written accreditation standards that meet or exceed the state's licensing requirements under s. [402.305](#), s. [402.313](#), or s. [402.3131](#) and require at least one onsite visit to the provider or school before accreditation is granted;

2. Hold a current Gold Seal Quality Care designation under s. [402.281](#); or

3. Be licensed under s. [402.305](#), s. [402.313](#), or s. [402.3131](#) and demonstrate, before delivering the Voluntary Prekindergarten Education Program, as verified by the early learning coalition, that the provider meets each of the requirements of the program under this part, including, but not limited to, the requirements for credentials and background screenings of prekindergarten instructors under paragraphs (c) and (d), minimum and maximum class sizes under paragraph (f), prekindergarten director credentials under paragraph (g), and a developmentally appropriate curriculum under s. [1002.67\(2\)\(b\)](#).

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(c) The private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who meets each of the following requirements:

1. The prekindergarten instructor must hold, at a minimum, one of the following credentials:

a. A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition; or

b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Family Services may adopt rules under ss. 120.536(1) and 120.54 which provide criteria and procedures for approving equivalent credentials under sub-subparagraph b.

2. The prekindergarten instructor must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a prekindergarten instructor who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)5., s. 402.313(6), or s. 402.3131(5) before the establishment of one or more emergent literacy training courses under s. 1002.59 or April 1, 2005, whichever occurs later.

(d) Each prekindergarten instructor employed by the private prekindergarten provider must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked.

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. The Agency for Workforce Innovation shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(f) Each of the private prekindergarten provider's prekindergarten classes must be composed of at least 4 students but may not exceed 18 students. In order to protect the health and safety of students, each private prekindergarten provider must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 11 or more students, must have, in addition to a prekindergarten instructor who meets the requirements of paragraph (c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of paragraph (d). This paragraph does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

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(g) Before the beginning of the 2006-2007 school year, the private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(f) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation.

(i) The private prekindergarten provider must deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(4) A prekindergarten instructor, in lieu of the minimum credentials and courses required under paragraph (3)(c), may hold one of the following educational credentials:

(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked;

(c) An associate's or higher degree in child development;

(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing child care services for children any age from birth through 8 years of age; or

(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for approving equivalent educational credentials under this paragraph.

History.--s. 1, ch. 2004-484; s. 5, ch. 2008-196.

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1002.57 Prekindergarten director credential.--

(1) By July 1, 2006, the department shall adopt minimum standards for a credential for prekindergarten directors of private prekindergarten providers delivering the Voluntary Prekindergarten Education Program. The credential must encompass requirements for education and onsite experience.

(2) The educational requirements must include training in the following:

(a) Professionally accepted standards for prekindergarten programs, early learning, and strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining the performance standards adopted by the department under s. [1002.67](#);

(b) Strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program; and

(c) Program administration and operations, including management, organizational leadership, and financial and legal issues.

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Family Services for the child care facility director credential under s. [402.305\(2\)\(f\)](#), and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. [402.305\(2\)\(f\)](#) for those requirements of the prekindergarten director credential which are duplicative of requirements for the child care facility director credential.

History.--s. 1, ch. 2004-484.

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1002.59 Emergent literacy training courses.--By April 1, 2005, the department shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. [402.305\(2\)\(d\)5.](#), [402.313\(6\)](#), and [402.3131\(5\)](#).

History.--s. 1, ch. 2004-484.

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1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.--

(1)(a) Each school district shall administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. [1002.53\(3\)\(b\)](#) in a summer prekindergarten program delivered by a public school.

(b) Each early learning coalition shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. [1002.53\(3\)\(b\)](#) in a summer prekindergarten program delivered by a private prekindergarten provider.

(2) Each summer prekindergarten program delivered by a public school or private prekindergarten provider must:

(a) Comprise at least 300 instructional hours;

(b) Not begin earlier than May 1 of the school year; and

(c) Not deliver the program for a child earlier than the summer immediately before the school year for which the child is eligible for admission to kindergarten in a public school under s. [1003.21\(1\)\(a\)2](#).

(3)(a) Each district school board shall determine which public schools in the school district are eligible to deliver the summer prekindergarten program. The school district shall use educational facilities available in the public schools during the summer term for the summer prekindergarten program.

(b) Except as provided in this section, to be eligible to deliver the summer prekindergarten program, a private prekindergarten provider must meet each requirement in s. [1002.55](#).

(4) Notwithstanding ss. [1002.55\(3\)\(c\)1](#). and [1002.63\(5\)](#), each public school and private prekindergarten provider must have, for each prekindergarten class, at least one prekindergarten instructor who:

(a) Is a certified teacher; or

(b) Holds one of the educational credentials specified in s. [1002.55\(4\)\(a\)](#) or (b).

(10)

As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida educator certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.

(5) Each prekindergarten instructor employed by a public school or private prekindergarten provider delivering the summer prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The Agency for Workforce Innovation shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(7) Notwithstanding ss. 1002.55(3)(f) and 1002.63(8), each prekindergarten class in the summer prekindergarten program, regardless of whether the class is a public school's or private prekindergarten provider's class, must be composed of at least 4 students but may not exceed 10 students. In order to protect the health and safety of students, each public school or private prekindergarten provider must also provide appropriate adult supervision for students at all times. This subsection does not supersede any requirement imposed on a provider under ss. 402.301-402.319.

(8) Each public school delivering the summer prekindergarten program must also:

(a) Register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

History.--s. 1, ch. 2004-484; s. 6, ch. 2008-196.



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1002.63 School-year prekindergarten program delivered by public schools.--

- (1) Each school district eligible under subsection (4) may administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. [1002.53\(3\)\(c\)](#) in a school-year prekindergarten program delivered by a public school.
- (2) Each school-year prekindergarten program delivered by a public school must comprise at least 540 instructional hours.
- (3) The district school board of each school district eligible under subsection (4) shall determine which public schools in the district are eligible to deliver the prekindergarten program during the school year.
- (4) To be eligible to deliver the prekindergarten program during the school year, each school district must meet both of the following requirements:
 - (a) The district school board must certify to the State Board of Education that the school district:
 - 1. Has reduced the average class size in each classroom in accordance with s. [1003.03](#) and the schedule in s. 1(a), Art. IX of the State Constitution; and
 - 2. Has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in each classroom in the district's elementary schools for each year in accordance with the schedule for class size reduction and to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the beginning of the 2010-2011 school year.
 - (b) The Commissioner of Education must certify to the State Board of Education that the department has reviewed the school district's educational facilities, capital outlay funds, and projected student enrollment and concurs with the district school board's certification under paragraph (a).
- (5) Each public school must have, for each prekindergarten class, at least one prekindergarten instructor who meets each requirement in s. [1002.55\(3\)\(c\)](#) for a prekindergarten instructor of a private prekindergarten provider.
- (6) Each prekindergarten instructor employed by a public school delivering the school-year

prekindergarten program must be of good moral character, must be screened using the level 2 screening standards in s. 435.04 before employment and rescreened at least once every 5 years, must be denied employment or terminated if required under s. 435.06, and must not be ineligible to teach in a public school because his or her educator certificate is suspended or revoked. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection.

(7) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The Agency for Workforce Innovation shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each prekindergarten class in a public school delivering the school-year prekindergarten program must be composed of at least 4 students but may not exceed 18 students. In order to protect the health and safety of students, each school must also provide appropriate adult supervision for students at all times and, for each prekindergarten class composed of 11 or more students, must have, in addition to a prekindergarten instructor who meets the requirements of s. 1002.55(3)(c), at least one adult prekindergarten instructor who is not required to meet those requirements but who must meet each requirement of subsection (6).

(9) Each public school delivering the school-year prekindergarten program must:

- (a) Register with the early learning coalition on forms prescribed by the Agency for Workforce Innovation; and
- (b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

History.--s. 1, ch. 2004-484; s. 7, ch. 2008-196.



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1002.65 Professional credentials of prekindergarten instructors; aspirational goals; legislative intent.--

(1) The Legislature recognizes that there is a strong relationship between the skills and preparation of prekindergarten instructors and the educational outcomes of students in the Voluntary Prekindergarten Education Program.

(2) To improve these educational outcomes, the Legislature intends that all prekindergarten instructors will continue to improve their skills and preparation through education and training, so that the following aspirational goals will be achieved:

(a) By the 2010-2011 school year:

1. Each prekindergarten class will have at least one prekindergarten instructor who holds an associate's or higher degree in the field of early childhood education or child development; and
2. For each prekindergarten class composed of 11 or more students, in addition to a prekindergarten instructor who meets the requirements of subparagraph 1., the class will have at least one prekindergarten instructor who meets the requirements of s. 1002.55(3)(c).

(b) By the 2013-2014 school year, each prekindergarten class will have at least one prekindergarten instructor who holds a bachelor's or higher degree in the field of early childhood education or child development.

History.--s. 1, ch. 2004-484.

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1002.67 Performance standards; curricula and accountability.--

(1) By April 1, 2005, the department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

- (a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and
- (b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (3)(c).

(b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:

1. Be designed to prepare a student for early literacy;
2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and
3. Prepare students to be ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.69.

(c) The department shall review and approve curricula for use by private prekindergarten providers and public schools that are placed on probation under paragraph (3)(c). The department shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

(3)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the

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program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the Agency for Workforce Innovation shall require the early learning coalition to remove the provider, and the Department of Education shall require the school district to remove the school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds under this part.

(c)1. If the kindergarten readiness rate of a private prekindergarten provider or public school falls below the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the early learning coalition or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the coalition or school district, as applicable, and to implement the plan.

2. If a private prekindergarten provider or public school fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) for 2 consecutive years, the early learning coalition or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A private prekindergarten provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6).

4. If a private prekindergarten provider or public school remains on probation for 2 consecutive years and fails to meet the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6), the Agency for Workforce Innovation shall require the early learning coalition or the Department of Education shall require the school district, as applicable, to remove the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(d) Each early learning coalition, the Agency for Workforce Innovation, and the department shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

History.--s. 1, ch. 2004-484.

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1002.69 Statewide kindergarten screening; kindergarten readiness rates.--

(1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. [1002.67\(1\)](#) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year.

(2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the department under s. [1002.67\(1\)](#).

(3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

(4) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school or nonpublic school. Each school district shall designate sites to administer the statewide kindergarten screening for children admitted to kindergarten in a nonpublic school.

(5) The State Board of Education shall adopt procedures for the department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year. The rates must not include students who are not administered the statewide kindergarten screening.

(6)(a) The State Board of Education shall periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.

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(b) The minimum rate must not exceed the rate at which more than 15 percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program in the state would fall below the minimum rate.

History.--s. 1, ch. 2004-484.

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1002.71 Funding; financial and attendance reporting.--

(1) Funds appropriated for the Voluntary Prekindergarten Education Program may be used only for the program in accordance with this part. If the student enrollment in the program for a fiscal year exceeds the estimated enrollment upon which the appropriation for that fiscal year is provided, thereby causing a shortfall, funds appropriated to the program for the subsequent fiscal year must be used first to fund the shortfall.

(2) A full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated as follows:

(a) For a student in a school-year prekindergarten program delivered by a private prekindergarten provider: 540 instructional hours.

(b) For a student in a summer prekindergarten program delivered by a public school or private prekindergarten provider: 300 instructional hours.

(c) For a student in a school-year prekindergarten program delivered by a public school: 540 instructional hours.

Except as provided in subsection (4), a student may not be reported for funding purposes as more than one full-time equivalent student.

(3)(a) The base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act and shall be equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a private prekindergarten provider, a summer prekindergarten program delivered by a public school or private prekindergarten provider, or a school-year prekindergarten program delivered by a public school.

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. [1011.62\(2\)](#). Each private prekindergarten provider and public school shall be paid in accordance with the county's allocation per

full-time equivalent student.

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The Agency for Workforce Innovation shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(d) For programs offered by school districts pursuant to s. 1002.61, each district's funding shall be based on a full-time equivalent student enrollment that is evenly divisible by 10. If the result of dividing a district's full-time equivalent student enrollment by 10 is not a whole number, the district's enrollment calculation shall be adjusted by adding the minimum number of full-time equivalent students to produce a full-time equivalent student enrollment calculation that is evenly divisible by 10.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 10 percent of the hours authorized to be reported for funding under subsection (2) may withdraw from the program for good cause, reenroll in one of the programs, and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled.

(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the programs, and be reported for funding purposes as a full-time equivalent student in the program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The Agency for Workforce Innovation shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(5)(a) Each early learning coalition shall maintain through the single point of entry established under s. 411.01 a current database of the students enrolled in the Voluntary Prekindergarten Education Program for each county within the coalition's region.

(b) The Agency for Workforce Innovation shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the Agency for Workforce Innovation to the early learning coalitions for payment by the coalitions to private prekindergarten providers and public schools. The department shall transfer to the Agency for Workforce Innovation at least once each quarter the funds available for payment to private prekindergarten providers and public

schools in accordance with this paragraph from the funds appropriated for that purpose.

(6)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the private prekindergarten provider or district school board, as applicable. Upon enrollment of the child, the private prekindergarten provider or public school, as applicable, must provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable.

(b)1. Each private prekindergarten provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the private prekindergarten provider or public school on forms prescribed by the Agency for Workforce Innovation. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, (Name of Parent), swear (or affirm) that my child, (Name of Student), attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose (Name of Provider or School) to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

(Signature of Parent)

(Date)

3. The private prekindergarten provider or public school must keep each original signed form for at least 2 years. Each private prekindergarten provider must permit the early learning coalition, and each public school must permit the school district, to inspect the original signed forms during normal business hours. The Agency for Workforce Innovation shall adopt procedures for early learning coalitions and school districts to review the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition and school district must comply with the review procedures.

(c) A private prekindergarten provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(d) The Agency for Workforce Innovation shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must establish a minimum requirement for student attendance and include the following provisions:

1. A student who meets the minimum requirement may be reported as a full-time equivalent student for funding purposes.
2. A student who does not meet the minimum requirement may be reported only as a fractional part of a full-time equivalent student, reduced pro rata based on the student's attendance.
3. A student who does not meet the minimum requirement may be reported as a full-time equivalent student if the student is absent for good cause in accordance with exceptions specified in the uniform attendance policy.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The Agency for Workforce Innovation shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Each early learning coalition may retain and expend no more than 5 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5) (b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

(8) Except as otherwise expressly authorized by law, a private prekindergarten provider or public school may not:

(a) Require payment of a fee or charge for services provided for a child enrolled in the Voluntary Prekindergarten Education Program during a period reported for funding purposes; or

(b) Require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the Voluntary Prekindergarten Education Program.

(9) A parent is responsible for the transportation of his or her child to and from the Voluntary

Prekindergarten Education Program, regardless of whether the program is delivered by a private prekindergarten provider or a public school. However, a provider or school may use part of the funds it is paid under paragraph (5)(b) for transporting students to and from the program. A student enrolled in the Voluntary Prekindergarten Education Program may not be reported under s. 1011.68 for student transportation funds.

History.--s. 1, ch. 2004-484; s. 4, ch. 2005-56; s. 3, ch. 2006-27.

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1002.72 Records of children in the Voluntary Prekindergarten Education Program.--

(1) The individual records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent. This exemption applies to individual records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

(2) A parent has the right to inspect and review the individual Voluntary Prekindergarten Education Program record of his or her child and to obtain a copy of such record.

(3) Confidential and exempt Voluntary Prekindergarten Education Program records may be released to:

(a) The United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits.

(b) Individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction.

(c) Accrediting organizations in order to carry out their accrediting functions.

(d) Appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the child or other individuals.

(e) The Auditor General in connection with his or her official functions.

(f) A court of competent jurisdiction in compliance with an order of that court pursuant to a lawfully issued subpoena.

(g) Parties to an interagency agreement among early learning coalitions, local governmental agencies,

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Voluntary Prekindergarten Education Program providers, or state agencies for the purpose of implementing the Voluntary Prekindergarten Education Program.

Agencies, organizations, or individuals receiving such confidential and exempt records in order to carry out their official functions must protect the records in a manner that will not permit the personal identification of an enrolled child or his or her parent by persons other than those authorized to receive the records.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. [119.15](#) and shall stand repealed October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

History.--s. 1, ch. 2005-88; s. 178, ch. 2008-4.

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1002.73 Department of Education; powers and duties; accountability requirements.--

- (1) The department shall administer the accountability requirements of the Voluntary Prekindergarten Education Program at the state level.
- (2) The department shall adopt procedures for the department's:
 - (a) Approval of prekindergarten director credentials under ss. 1002.55 and 1002.57.
 - (b) Approval of emergent literacy training courses under ss. 1002.55 and 1002.59.
 - (c) Certification of school districts that are eligible to deliver the school-year prekindergarten program under s. 1002.63.
 - (d) Administration of the statewide kindergarten screening and calculation of kindergarten readiness rates under s. 1002.69.
- (3) Except as provided by law, the department may not impose requirements on a private prekindergarten provider that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

History.--s. 1, ch. 2004-484.

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1002.75 Agency for Workforce Innovation; powers and duties; operational requirements.--

(1) The Agency for Workforce Innovation shall administer the operational requirements of the Voluntary Prekindergarten Education Program at the state level.

(2) The Agency for Workforce Innovation shall adopt procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. [1002.53](#).

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. [1002.53](#).

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. [1002.55](#), [1002.61](#), and [1002.63](#).

(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. [1002.55](#) and [1002.61](#).

(e) Verifying the compliance of private prekindergarten providers and public schools and removing providers or schools from eligibility to deliver the program due to noncompliance or misconduct as provided in s. [1002.67](#).

(f) Paying private prekindergarten providers and public schools under s. [1002.71](#).

(g) Documenting and certifying student enrollment and student attendance under s. [1002.71](#).

(h) Reconciling advance payments in accordance with the uniform attendance policy under s. [1002.71](#).

(i) Reenrolling students dismissed by a private prekindergarten provider or public school for noncompliance with the provider's or school district's attendance policy under s. [1002.71](#).

(3) The Agency for Workforce Innovation shall adopt, in consultation with and subject to approval by

the department, procedures governing the administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

- (a) Approving improvement plans of private prekindergarten providers and public schools under s. 1002.67.
- (b) Placing private prekindergarten providers and public schools on probation and requiring corrective actions under s. 1002.67.
- (c) Removing a private prekindergarten provider or public school from eligibility to deliver the program due to the provider's or school's remaining on probation beyond the time permitted under s. 1002.67.
- (4) The Agency for Workforce Innovation shall also adopt procedures for the agency's distribution of funds to early learning coalitions under s. 1002.71.
- (5) Except as provided by law, the Agency for Workforce Innovation may not impose requirements on a private prekindergarten provider or public school that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

History.--s. 1, ch. 2004-484.


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1002.77 Florida Early Learning Advisory Council.--

(1) There is created the Florida Early Learning Advisory Council within the Agency for Workforce Innovation. The purpose of the advisory council is to submit recommendations to the department and the Agency for Workforce Innovation on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. [411.01](#).

(2) The advisory council shall be composed of the following members:

(a) The chair of the advisory council who shall be appointed by and serve at the pleasure of the Governor.

(b) The chair of each early learning coalition.

(c) One member who shall be appointed by and serve at the pleasure of the President of the Senate.

(d) One member who shall be appointed by and serve at the pleasure of the Speaker of the House of Representatives.

The chair of the advisory council appointed by the Governor and the members appointed by the presiding officers of the Legislature must each have a background in early learning.

(3) The advisory council shall meet at least quarterly but may meet as often as necessary to carry out its duties and responsibilities.

(4)(a) Each member of the advisory council shall serve without compensation but is entitled to receive reimbursement for per diem and travel expenses for attendance at council meetings as provided in s. [112.061](#).

(b) Each member of the advisory council is subject to the ethics provisions in part III of chapter 112.

(c) For purposes of tort liability, each member of the advisory council shall be governed by s. [768.28](#).

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(5) The Agency for Workforce Innovation shall provide staff and administrative support for the advisory council.

History.--s. 1, ch. 2004-484.

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1002.79 Rulemaking authority.--

(1) The State Board of Education shall adopt rules under ss. [120.536\(1\)](#) and [120.54](#) to administer the provisions of this part conferring duties upon the department.

(2) The Agency for Workforce Innovation shall adopt rules under ss. [120.536\(1\)](#) and [120.54](#) to administer the provisions of this part conferring duties upon the agency.

History.--s. 1, ch. 2004-484.

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1011.60 Minimum requirements of the Florida Education Finance Program.--Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

- (1) ACCOUNTS AND REPORTS.--Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or rule, each annual or periodic report that is required by rules of the State Board of Education.
- (2) MINIMUM TERM.--Operate all schools for a term of at least 180 actual teaching days or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. [447.203\(6\)](#), by employees of the school district may not be considered an emergency.
- (3) EMPLOYMENT POLICIES.--Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.
 - (a) Such rules must conform to applicable law and rules of the State Board of Education and must include the duties and responsibilities of the district school superintendent and school board pertaining to these and other personnel matters.
 - (b) All personnel shall be paid in accordance with payroll period schedules adopted by the school board and included in the official salary schedule.
 - (c) No salary payment shall be paid to any employee in advance of service being rendered.
 - (d) District school boards may authorize a maximum of six paid legal holidays which shall apply to the 196 days of service.

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(e) Such rules may include reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis.

(f) Such rules must require 12 calendar months of service for such principals as prescribed by rules of the State Board of Education and must require 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with rules of the State Board of Education.

(4) SALARY SCHEDULES.--Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and rules of the State Board of Education. Expenditures for salaries of instructional personnel must include compensation based on employee performance demonstrated under s. 1012.34.

(5) BUDGETS.--Observe fully at all times all requirements of law and rules of the State Board of Education relating to the preparation, adoption, and execution of budgets for district school boards.

(6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the minimum financial effort required for the support of the Florida Education Finance Program as prescribed in the current year's General Appropriations Act.

(7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system of planning and evaluation as required by law.

(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS.--Comply with the minimum classroom expenditure requirements and associated reporting pursuant to s. 1011.64.

History.--s. 653, ch. 2002-387; s. 169, ch. 2004-5; s. 67, ch. 2004-41.

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1011.61 Definitions.--Notwithstanding the provisions of s. [1000.21](#), the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed in s. [1011.62\(1\)\(c\)](#) for the school year or the equivalent for:

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program;
2. Instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or
3. Instruction comprising the appropriate number of net hours set forth in subparagraph 1. or subparagraph 2. for students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(b) A "part-time student" is a student on the active membership roll of a school program or combination of school programs listed in s. [1011.62\(1\)\(c\)](#) who is less than a full-time student.

(c)1. A "full-time equivalent student" is:

- a. A full-time student in any one of the programs listed in s. [1011.62\(1\)\(c\)](#); or
- b. A combination of full-time or part-time students in any one of the programs listed in s. [1011.62\(1\)\(c\)](#) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in grades K-8 in a school district virtual instruction program as provided in s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 9-12 in a school district virtual instruction program as provided in s. 1002.45 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

(V) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

(VI) Each successfully completed credit earned under the alternative high school course credit requirements authorized in s. 1002.375, which is not reported as a portion of the 900 net hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as $\frac{1}{6}$ FTE.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

(2) A "full-time equivalent student" is a student in grades 4 through 8 who is participating in a student-teacher adviser program conducted during homeroom period, who is a fraction of a full-time equivalent membership based on net hours in the program, with a maximum of 36 net hours in any fiscal year. Each district program shall be approved by the Department of Education.

(3) For the purpose of calculating the "current operation program," a student is in membership until he

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or she withdraws or until the close of the 11th consecutive school day of his or her absence, whichever comes first.

(4) The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 1003.21(1)(e), except for a student as set forth in sub-sub-subparagraph (1)(c)1.b.(I), is one full-time equivalent student membership for a school year or equivalent.

(5) The "Florida Education Finance Program" includes all programs and costs as provided in s. 1011.62.

(6) "Basic programs" include, but are not limited to, language arts, mathematics, art, music, physical education, science, and social studies.

History.--s. 654, ch. 2002-387; s. 20, ch. 2003-391; s. 6, ch. 2008-147; s. 2, ch. 2008-174.



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The 2008 Florida Statutes

[Title XLVIII](#)
K-20 EDUCATION CODE

[Chapter 1011](#)
PLANNING AND BUDGETING

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

(1) **COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.**--The following procedure shall be followed in determining the annual allocation to each district for operation:

(a) *Determination of full-time equivalent membership.*--During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

(b) *Determination of base student allocation.*--The base student allocation for the Florida Education Finance Program for kindergarten through grade 12 shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act.

(c) *Determination of programs.*--Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.--

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.--

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- a. Support Level IV.
- b. Support Level V.
- 3. Secondary career education programs.--
- 4. English for Speakers of Other Languages.--

(d) *Annual allocation calculation.*--

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs support levels IV and V, English for Speakers of Other Languages programs, and all career programs in grades 9-12.

a. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

b. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the enrollment for each program by the appropriate program weight as provided in the General Appropriations Act. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

c. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(i) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment to produce a revised program weighted enrollment.

(V) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be divided by the appropriate program weight, and the result shall be added to the revised program weighted enrollment computed in sub-sub-subparagraph (IV).

(e) *Funding model for exceptional student education programs.--*

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.

2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(m) and rules of the State Board of Education, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through

8. Beginning with the 2007-2008 fiscal year, a district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 fiscal year for gifted students in grades 9 through 12.

(f) *Supplemental academic instruction; categorical fund.*--

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(g) *Education for speakers of other languages.*--A school district shall be eligible to report full-time equivalent student membership in the ESOL program in the Florida Education Finance Program provided the following conditions are met:

1. The school district has a plan approved by the Department of Education.
2. The eligible student is identified and assessed as limited English proficient based on assessment

criteria.

3.a. An eligible student may be reported for funding in the ESOL program for a base period of 3 years. However, a student whose English competency does not meet the criteria for proficiency after 3 years in the ESOL program may be reported for a fourth, fifth, and sixth year of funding, provided his or her limited English proficiency is assessed and properly documented prior to his or her enrollment in each additional year beyond the 3-year base period.

b. If a student exits the program and is later reclassified as limited English proficient, the student may be reported in the ESOL program for funding for an additional year, or extended annually for a period not to exceed a total of 6 years pursuant to this paragraph, based on an annual evaluation of the student's status.

4. An eligible student may be reported for funding in the ESOL program for membership in ESOL instruction in English and ESOL instruction or home language instruction in the basic subject areas of mathematics, science, social studies, and computer literacy.

(h) *Small, isolated high schools.*--Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a grade of "C" or better, pursuant to s. 1008.34, for the previous school year. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*--Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the school district may only report the student for a maximum of 1.0 full-time equivalent student membership, as provided in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for

profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

(j) *Coenrollment*.--If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

(k) *Instruction in exploratory career education*.--Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(l) *Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students*.--A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.
2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(m) *Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students*.--A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-

credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of \$25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.
2. An additional bonus of \$500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.
3. Additional bonuses of \$250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed \$500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) *Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.*--A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of \$50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

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2. An additional bonus of \$500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(o) *Calculation of additional full-time equivalent membership based on certification of successful completion of industry-certified career and professional academy programs pursuant to s. 1003.492.*--A value of 0.3 full-time equivalent student membership shall be calculated for each student who completes an industry-certified career and professional academy program under s. 1003.492 and who is issued the highest level of industry certification and a high school diploma. Such value shall be added to the total full-time equivalent student membership in secondary career education programs for grades 9 through 12 in the subsequent year for courses that were not funded through dual enrollment. The additional full-time equivalent membership authorized under this paragraph may not exceed 0.3 per student. Unless a different amount is specified in the General Appropriations Act, the appropriation for this calculation is limited to \$15 million annually. If the appropriation is insufficient to fully fund the total calculation, the appropriation shall be prorated.

(p) *Calculation of additional full-time equivalent membership for the Florida Virtual School.*--The total reported full-time equivalent student membership for the Florida Virtual School shall be multiplied by 0.114, and such value shall be added to the total full-time equivalent student membership.

(q) *Year-round-school programs.*--The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(r) *Extended-school-year program.*--It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

(s) *Determination of the basic amount for current operation.*--The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by
2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(t) *Computation for funding through the Florida Education Finance Program.*--The State Board of Education may adopt rules establishing programs and courses for which the student may earn credit toward high school graduation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The Commissioner of Education shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.--Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student or other funds shall be expended for educational training programs as determined by the district school board as provided in s. 1012.98.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*--

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes.

(b) *Final calculation.*--

1. The taxable value for school purposes certified by the Department of Revenue which is used in the fourth calculation with the annualized full-time student membership from the February student survey shall be the final taxable value used in the final calculation.

2. For purposes of this paragraph, the final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to chapter 194. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the taxable value for school purposes. The value certified under subparagraph 1. shall be the final taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraph (12)(b).

(c) *Equalization of required local effort.*--

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The Commissioner of Education shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 1011.71(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized

pursuant to s. 1011.71(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. However, for those parcels studied pursuant to s. 195.096(3)(a)1, which are receiving the assessment limitation set forth in s. 193.155, and for which the assessed value is less than the just value, the department shall use the assessed value in the numerator and the denominator of such assessment ratio. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) *Exclusion.*--

1. In those instances in which:

a. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b. The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

(e) *Recomputation.*--Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(5) **DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.**--The Legislature shall prescribe in the General Appropriations Act, pursuant to s. 1011.71(1), the rate of nonvoted current operating discretionary millage that shall be used to calculate a discretionary millage compression supplement. If the prescribed millage generates an amount of funds per unweighted FTE for the district that is less than the state

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average, the district shall receive an amount per FTE that, when added to the funds per FTE generated by the designated levy, shall equal the state average. To be eligible for the supplement, a district must levy the maximum authorized millage pursuant to s. 1011.71.

¹(6) CATEGORICAL FUNDS.--

(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1), the Legislature may appropriate categorical funding for specified programs, activities, or purposes.

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.
4. Funds for research-based reading instruction.
5. Funds for instructional materials if all instructional material purchases have been completed for that fiscal year, but no sooner than March 1, 2009.

(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report. The Department of Education shall submit a report to the Legislature that identifies by district and by categorical fund the amount transferred and the specific academic classroom activity for which the funds were expended.

(d) If a district school board transfers funds from its research-based reading instruction allocation, the board must also submit to the Department of Education an amendment describing the changes that the district is making to its reading plan approved pursuant to paragraph (9)(d).

(7) DETERMINATION OF SPARSITY SUPPLEMENT.--

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

1101.8918

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$$\text{Sparsity Factor} = \frac{2700 + \text{district sparsity index}}{-0.1101}$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) If the sparsity supplement calculated in paragraphs (a) and (b) for an eligible district is less than \$100 per full-time equivalent student, the district's supplement shall be increased to \$100 per FTE or to the minimum amount per FTE designated in the General Appropriations Act.

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

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.
2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.
3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.
4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.
5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.

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

(8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In those districts where there is a decline between prior year and current year unweighted FTE students, a percentage of the decline in the unweighted FTE students as determined by the Legislature shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, including a charter technical career center, the decline is to be multiplied by a factor of 0.15. However, if the funds provided for the Florida Education Finance Program in the General Appropriations Act for any fiscal year are reduced by a subsequent appropriation for that fiscal year, the percent of the decline in the unweighted FTE students to be funded shall be determined by the Legislature and designated in the subsequent appropriation.

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. The provision of highly qualified reading coaches.
2. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.
3. The provision of summer reading camps for students who score at Level 1 on FCAT Reading.
4. The provision of supplemental instructional materials that are grounded in scientifically based reading research.
5. The provision of intensive interventions for middle and high school students reading below grade level.

(d) Annually, by a date determined by the Department of Education but before May 1, school districts

shall submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading remediation through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.

(10) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE JUSTICE EDUCATION PROGRAMS.--The total K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size-reduction factor multiplied by the district's cost differential. An amount equal to the sum of this calculation shall be allocated in the FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

(11) QUALITY ASSURANCE GUARANTEE.--The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (12), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (12) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.--The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) The basic amount for current operation for the FEFP as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amounts provided for

categorical components within the FEFP, plus the discretionary millage compression supplement as determined in subsection (5), the amount for the sparsity supplement as determined in subsection (7), the decline in full-time equivalent students as determined in subsection (8), the research-based reading instruction allocation as determined in subsection (9), the allocation for juvenile justice education programs as determined in subsection (10), the quality assurance guarantee as determined in subsection (11), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.
2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.
3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change required by final judicial decision, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. Beginning with audits for the 2001-2002 fiscal year, if the adjustment is the result of an audit finding in which group 2 FTE are reclassified to the basic program and the district weighted FTE are over the weighted enrollment ceiling for group 2 programs, the adjustment shall not result in a gain of state funds to the district. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

History.--s. 655, ch. 2002-387; s. 124, ch. 2003-1; s. 15, ch. 2003-391; s. 68, ch. 2004-41; s. 8, ch. 2004-271; s. 10, ch. 2004-349; s. 129, ch. 2004-357; s. 10, ch. 2005-56; s. 10, ch. 2005-196; s. 6, ch. 2006-27; s. 50, ch. 2006-74; s. 177, ch. 2007-5; s. 3, ch. 2007-59; s. 5, ch. 2007-216; ss. 2, 3, ch. 2007-328; ss. 8, 9, ch. 2008-142.

¹**Note.**--Section 9, ch. 2008-142, provides that "[t]he amendments to s. 1011.62(6), Florida Statutes, made by this act shall expire July 1, 2009, and the text of that subsection shall revert to that in

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existence on the day before the effective date of chapter 2007-328, Laws of Florida, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text that expire pursuant to this section." Effective July 1, 2009, subsection (6), as amended by s. 9, ch. 2008-142, will read:

(6) CATEGORICAL FUNDS.--

(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1), the Legislature may appropriate categorical funding for specified programs, activities, or purposes.

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.
2. Funds for safe schools.
3. Funds for supplemental academic instruction.

(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report.

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1011.63 Reporting for state funding; prohibition.--When a public educational institution has been fully funded by an external agency for direct instructional costs of any course or program, the FTE generated shall not be reported for state funding for purposes of the Florida Education Finance Program.

History.--s. 9, ch. 2004-271.

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1011.64 School district minimum classroom expenditure requirements.--

(1) The Legislature may require any school district that fails to meet minimum academic performance standards to increase emphasis on classroom instruction activities from operating funds, including, but not limited to, those provided for the operation of schools pursuant to s. [1011.62](#).

(2) For the purpose of implementing the provisions of this section, the Legislature shall prescribe minimum academic performance standards and minimum classroom expenditure requirements for districts not meeting such minimum academic performance standards in the General Appropriations Act.

(a) Minimum academic performance standards may be based on, but are not limited to, district grades determined pursuant to s. [1008.34\(7\)](#).

(b) School district minimum classroom expenditure requirements shall be calculated pursuant to subsection (3).

(3)(a) Annually the Department of Education shall calculate for each school district:

1. Total K-12 operating expenditures, which are defined as the amount of total general fund expenditures for K-12 programs as reported in accordance with the accounts and codes prescribed in the most recent issuance of the Department of Education publication entitled "Financial and Program Cost Accounting and Reporting for Florida Schools" and as included in the most recent annual financial report submitted to the Commissioner of Education, less the student transportation revenue allocation from the state appropriation for that purpose, amounts transferred to other funds, and increases to the amount of the general fund unreserved ending fund balance when the total unreserved ending fund balance is in excess of 5 percent of the total general fund revenues.

2. Expenditures for classroom instruction, which shall be the sum of the general fund expenditures for K-12 instruction and instructional staff training.

(b) The department shall annually calculate for each district, and for the entire state, the percentage of classroom expenditures to total operating expenditures as calculated pursuant to subparagraphs (a)1. and 2.

(4) In order for the Department of Education to monitor the implementation of this section, each school

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district which is required to increase emphasis on classroom activities from operating funds pursuant to subsection (1) shall submit to the department the following two reports in a format determined by the department:

(a) An initial report, which shall include the proposed budget actions identified for increased classroom expenditures, a description of how such actions are designed to improve student achievement, and a copy of the published statement required by s. 1011.03(3). This report shall be submitted within 30 days after final budget approval as provided in s. 200.065.

(b) A final report, prepared at the end of each fiscal year, which shall include, but is not limited to, information that clearly indicates the degree of each district's compliance or noncompliance with the requirements of this section. If not fully compliant, the district shall include a statement which has been adopted at a public hearing and signed by the district school superintendent and district school board members, which explains why the requirements of this section have not been met.

(c) The department shall provide annual summaries of these two reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

History.--s. 656, ch. 2002-387; s. 51, ch. 2006-74.

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1011.65 Florida Education Finance Program Appropriation Allocation Conference.--Prior to the distribution of any funds appropriated in the General Appropriations Act for the K-12 Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the appropriations committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent changes made by the department as part of its administration of state full-time equivalent caps.

History.--s. 657, ch. 2002-387.

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1011.67 Funds for instructional materials.--

(1) The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this subsection, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. These funds shall be distributed to school districts as follows: 50 percent on or about July 10; 35 percent on or about October 10; 10 percent on or about January 10; and 5 percent on or about June 10. The annual allocation shall be determined as follows:

(a) The growth allocation for each school district shall be calculated as follows:

1. Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

2. Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

3. The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(b) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(c) In the event the funds appropriated are not sufficient for the purpose of implementing this subsection in full, the department shall prorate the funds available for instructional materials after first

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funding in full each district's growth allocation.

(2) Annually by July 1 and prior to the release of instructional materials funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs. The report shall include verification that training was provided and that the materials are being implemented as designed.

History.--s. 659, ch. 2002-387; s. 11, ch. 2004-271; s. 52, ch. 2006-74.

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1011.68 Funds for student transportation.--The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. [1002.33\(17\)\(b\)](#), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the State Board of Education, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school.

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school.

(c) By reason of being in a state prekindergarten program, regardless of distance from school.

(d) By reason of being career, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, community college, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a community college or a state university program under a written agreement to partially fulfill ss. [1003.435](#) and [1007.23](#) and earning full-time equivalent membership under s. [1011.62\(1\)\(i\)](#).

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. [1006.23](#). Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. [1003.54](#), regardless of distance from school.

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(2) The allocation for each district shall be calculated annually in accordance with the following formula:

$T = B + EX$. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by the prior year's average per student cost for transportation. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

(3) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsection (2). If the funds appropriated for the purpose of implementing this section are not sufficient to pay the base transportation allocation and the base transportation allocation for disabled students, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of implementing this section exceed the sum of the base transportation allocation and the base transportation allocation for disabled students, the base transportation allocation for disabled students shall be limited to the amount calculated in subsection (2), and the remaining balance shall be added to the base transportation allocation.

(4) No district shall use funds to purchase transportation equipment and supplies at prices which exceed those determined by the department to be the lowest which can be obtained, as prescribed in s. 1006.27(1).

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student must be equal to the allocation per student riding a school bus.

(6) Notwithstanding other provisions of this section, in no case shall any student or students be counted for transportation funding more than once per day. This provision includes counting students for funding pursuant to trips in school buses, passenger cars, or boats or general purpose transportation.

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(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the district school board, be transferred to the district's Florida Education Finance Program.

History.--s. 660, ch. 2002-387; s. 3, ch. 2003-393; s. 130, ch. 2004-357.

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1011.69 Equity in School-Level Funding Act.--

(1) This section may be cited as the "Equity in School-Level Funding Act."

(2) Beginning in the 2003-2004 fiscal year, district school boards shall allocate to schools within the district an average of 90 percent of the funds generated by all schools and guarantee that each school receives at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. [1011.62](#) and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy. Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds. Only academic performance-based charter school districts, pursuant to s. [1003.62](#), are exempt from the provisions of this section.

(3) Funds allocated to a school pursuant to this section that are unused at the end of the fiscal year shall not revert to the district, but shall remain with the school. These carryforward funds may be used for any purpose provided by law at the discretion of the principal of the school.

(4) The following funds are excluded from the school-level allocation under this section:

(a) Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. [1011.62\(1\)\(f\)](#); and

(b) Funds appropriated in the General Appropriations Act for the class size reduction operating categorical fund established in s. [1011.685](#).

History.--s. 661, ch. 2002-387; s. 16, ch. 2003-391.

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1008.36 Florida School Recognition Program.--

- (1) The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.
- (2) The Florida School Recognition Program is created to provide financial awards to public schools that:
- (a) Sustain high performance by receiving a school grade of "A," making excellent progress; or
 - (b) Demonstrate exemplary improvement due to innovation and effort by improving at least one letter grade or by improving more than one letter grade and sustaining the improvement the following school year.
- (3) All public schools, including charter schools, that receive a school grade pursuant to s. [1008.34](#) are eligible to participate in the program.
- (4) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (5) as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1, the awards must be equally distributed to all classroom teachers currently teaching in the school.
- (5) School recognition awards must be used for the following:
- (a) Nonrecurring bonuses to the faculty and staff;
 - (b) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or
 - (c) Temporary personnel for the school to assist in maintaining and improving student performance.

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Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

History.--s. 381, ch. 2002-387; s. 24, ch. 2008-235.

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1012.71 The Florida Teachers Lead Program.--

(1) For purposes of the Florida Teachers Lead Program, the term "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and guidance counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. A "job-share" classroom teacher is one of two teachers whose combined full-time equivalent employment for the same teaching assignment equals one full-time classroom teacher.

(2) The Legislature, in the General Appropriations Act, shall determine funding for the Florida Teachers Lead Program. The funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds appropriated shall be used to supplement the materials and supplies otherwise available to classroom teachers. From the funds appropriated for the Florida Teachers Lead Program, the Commissioner of Education shall calculate an amount for each school district based upon each school district's proportionate share of the state's total unweighted FTE student enrollment and shall disburse the funds to the school districts by July 15.

(3) From the funds allocated to each school district for the Florida Teachers Lead Program, the district school board shall calculate an identical amount for each classroom teacher, which is that teacher's proportionate share of the total amount allocated to the district. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher. The district school board and each charter school board shall provide each classroom teacher with his or her total proportionate share by September 30 of each year by any means determined appropriate by the district school board or charter school board, including, but not limited to, direct deposit, check, debit card, or purchasing card, notwithstanding any law to the contrary. Expenditures under the program are not subject to state or local competitive bidding requirements. Funds received by a classroom teacher do not affect wages, hours, or terms and conditions of employment and, therefore, are not subject to collective bargaining. Any classroom teacher may decline receipt of or return the funds without explanation or cause. This subsection shall apply retroactively to July 1, 2007.

(4) Each classroom teacher must sign a statement acknowledging receipt of the funds, keep receipts for no less than 4 years to show that funds expended meet the requirements of this section, and return any unused funds to the district school board at the end of the regular school year. Any unused funds that

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are returned to the district school board shall be deposited into the school advisory council account of the school at which the classroom teacher returning the funds was employed when that teacher received the funds or deposited into the Florida Teachers Lead Program account of the school district in which a charter school is sponsored, as applicable.

(5) The statement must be signed and dated by each classroom teacher before receipt of the Florida Teachers Lead Program funds and shall include the wording: "I, (name of teacher), am employed by the _____ County District School Board or by the _____ Charter School as a full-time classroom teacher. I acknowledge that Florida Teachers Lead Program funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep the receipts for all expenditures for no less than 4 years. I understand that if I do not keep the receipts, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unexpended funds to the district school board at the end of the regular school year for deposit into the school advisory council account of the school where I was employed at the time I received the funds or for deposit into the Florida Teachers Lead Program account of the school district in which the charter school is sponsored, as applicable."

History.--s. 749, ch. 2002-387; s. 1, ch. 2007-58; s. 28, ch. 2008-235.

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1012.72 Dale Hickam Excellent Teaching Program.--

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels of academic performance expected by the Sunshine State Standards. The Legislature further recognizes the importance of identifying and rewarding teaching excellence and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board for Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore the Legislature's intent to reward teachers who demonstrate teaching excellence by attaining NBPTS certification and sharing their expertise with other teachers.

(2) The Dale Hickam Excellent Teaching Program is created to provide categorical funding for bonuses for teaching excellence. The bonuses may be provided for initial certification for up to one 10-year period. The Department of Education shall distribute to each school district an amount as prescribed annually by the Legislature for the Dale Hickam Excellent Teaching Program. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following:

(a) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. [1012.34](#). The annual bonus may be paid as a single payment or divided into not more than three payments.

(b) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (a) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the state who do not hold NBPTS certification. Related services must include instruction in helping teachers work more effectively with the families of their students. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not

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the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

(c) The employer's share of social security and Medicare taxes for those teachers who receive bonus amounts under paragraph (a) or paragraph (b).

(3) If the funds available in any fiscal year are insufficient to pay in full the annual bonuses for certification and for providing mentoring and related services, payments for providing mentoring and related services shall be prorated among the eligible recipients. If the mentoring and related services are prorated, school districts may pay a portion or all of the balance. If funds are insufficient to pay in full the annual bonuses for certification, payments of bonuses for certification shall be prorated among the eligible recipients.

History.--s. 750, ch. 2002-387; s. 1, ch. 2002-403; s. 9, ch. 2003-118; s. 15, ch. 2004-271; s. 6, ch. 2007-19; s. 7, ch. 2007-328; s. 14, ch. 2008-142.

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1001.215 Just Read, Florida! Office.--There is created in the Department of Education the Just Read, Florida! Office. The office shall be fully accountable to the Commissioner of Education and shall:

- (1) Train highly effective reading coaches.
- (2) Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.
- (3) Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.
- (4) Provide parents with information and strategies for assisting their children in reading in the content area.
- (5) Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation provided in s. [1011.62\(9\)](#) and annually review and approve such plans.
- (6) Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan required in s. [1011.62\(9\)](#).
- (7) Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.
- (8) Periodically review the Sunshine State Standards for reading at all grade levels.
- (9) Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.
- (10) Work with teacher preparation programs approved pursuant to s. [1004.04](#) to integrate research-based reading instructional strategies and reading in the content area instructional strategies into teacher preparation programs.

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(11) Administer grants and perform other functions as necessary to meet the goal that all students read at grade level.

History.--s. 8, ch. 2006-74; s. 174, ch. 2008-4.

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1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.--

(1) This section may be referred to by the popular name the "Florida Partnership for Minority and Underrepresented Student Achievement Act."

(2)(a) The Legislature recognizes the importance of not only access to college but also success in college for all students. It is the intent of the Legislature that every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a particular focus on access to advanced courses.

(b) It is the intent of the Legislature to provide assistance to all public secondary schools, with a primary focus on low-performing middle and high schools.

(c) It is the intent of the Legislature that the partnership created in this section accomplish its mission primarily through strengthening the content knowledge of teachers and providing instructional resources, including materials and strategies, which enable teachers to provide instruction to students who have diverse learning styles.

(3) There is created the Florida Partnership for Minority and Underrepresented Student Achievement. The Department of Education may contract for operation of the partnership.

(4) The mission of the partnership is to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th grade students. However, a written notice shall be provided to each parent that shall include the opportunity to exempt his or her child from taking the PSAT/NMSQT or PLAN.

(a) Test results will provide each high school with a database of student assessment data which guidance counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

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(b) Funding for the PSAT/NMSQT or PLAN for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the PSAT/NMSQT or PLAN for districtwide administration.

(6) The partnership shall:

(a) Provide teacher training and professional development to enable teachers of AP or other advanced courses to have the necessary content knowledge and instructional skills to prepare students for success on AP or other advanced course examinations and mastery of postsecondary course content.

(b) Provide to middle school teachers and administrators professional development that will enable them to educate middle school students at the level necessary to prepare the students to enter high school ready to participate in advanced courses.

(c) Provide teacher training and materials that are aligned with the Sunshine State Standards and are consistent with best theory and practice regarding multiple learning styles and research on learning, instructional strategies, instructional design, and classroom assessment. Curriculum materials must be based on current, accepted, and essential academic knowledge. Materials for prerequisite courses should, at a minimum, address the skills assessed on the Florida Comprehensive Assessment Test (FCAT).

(d) Provide assessment of individual strengths and weaknesses as related to potential success in AP or other advanced courses and readiness for college.

(e) Provide college entrance exam preparation through a variety of means that may include, but are not limited to, training teachers to provide courses at schools; training community organizations to provide courses at community centers, faith-based organizations, and businesses; and providing online courses.

(f) Consider ways to incorporate community colleges in the mission of preparing all students for postsecondary success.

(g) Provide a plan for communication and coordination of efforts with the Florida Virtual School's provision of online AP or other advanced courses.

(h) Work with school districts to identify minority and underrepresented students for participation in AP or other advanced courses.

(i) Work with school districts to provide information to students and parents that explains available opportunities for students to take AP and other advanced courses and that explains enrollment procedures that students must follow to enroll in such courses. Such information must also explain the value of such courses as they relate to:

1. Preparing the student for postsecondary level coursework.
2. Enabling the student to gain access to postsecondary education opportunities.

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3. Qualifying for scholarships and other financial aid opportunities.

(j) Provide information to students, parents, teachers, counselors, administrators, districts, community colleges, and state universities regarding PSAT/NMSQT or PLAN administration, including, but not limited to:

1. Test administration dates and times.
2. That participation in the PSAT/NMSQT or PLAN is open to all grade 10 students.
3. The value of such tests in providing diagnostic feedback on student skills.
4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(k) Cooperate with the department to provide information to administrators, teachers, and counselors, whenever possible, about partnership activities, opportunities, and priorities.

(7) By May 31 of each year, the Department of Education shall approve a plan of delivery of services for the subsequent academic year.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or PLAN testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

(b) The department shall contribute to the evaluation process by providing access, consistent with s. 119.071(5)(a), to student and teacher information necessary to match against databases containing teacher professional development data and databases containing assessment data for the PSAT/NMSQT, SAT, AP, and other appropriate measures. The department shall also provide student-level data on student progress from middle school through high school and into college and the workforce, if available, in order to support longitudinal studies. The partnership shall analyze and report student performance data in a manner that protects the rights of students and parents as required in 20 U.S.C. s. 1232g and s. 1002.22.

(9)(a) Funding for the partnership shall be contingent upon annual funding in the General Appropriations Act.

(b) The participating partner, if one is chosen, is required to match at least one-third of the allocation

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provided to the partnership in the General Appropriations Act in materials and services to the program.

(10) The State Board of Education may adopt rules to administer this section.

(11) Nothing in this section shall prohibit any organization from partnering with the state to improve the college readiness of students.

History.--s. 1, ch. 2004-63; s. 53, ch. 2005-251; s. 2, ch. 2006-285; s. 1, ch. 2007-131.

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1002.415 K-8 Virtual School Program.--Subject to annual legislative appropriation, a kindergarten through grade 8 virtual school program is established within the Department of Education for the purpose of making academic instruction available to full-time students in kindergarten through grade 8 using online and distance learning technology. The department shall use an application process to select schools to deliver program instruction.

(1) SCHOOL ELIGIBILITY.--

(a) To be eligible to participate in the K-8 Virtual School Program a school must:

1. Be nonsectarian in its programs, admission policies, employment practices, and operations;
2. Comply with the antidiscrimination provisions of s. 1000.05;
3. Participate in the state's school accountability system created in s. 1008.31;
4. Locate its administrative office in this state and require its administrative and instructional staff members to be state residents; and
5. Require no tuition or student registration fee.

(b) Schools applying to participate in the K-8 Virtual School Program may be for-profit or nonprofit entities.

(2) APPLICATION.--

(a) The Department of Education shall provide an application form to be completed by each school seeking to participate in the K-8 Virtual School Program. Initial application forms must be made available in sufficient time to enable schools to apply and be approved to participate in the K-8 Virtual School Program by the beginning of the 2007-2008 school year. In addition to information that may be required by the department, applicants must provide verification that:

1. The applicant meets the eligibility criteria required by this section;

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2. All members of the school's instructional staff are certified professional educators under the provisions of chapter 1012; and

3. All school employees have undergone background screening as required by s. 1012.32.

(b) In addition to a completed application form, each applicant must provide the department with:

1. A detailed plan describing how the school curriculum and course content will conform to the Sunshine State Standards; and

2. An annual financial plan for each year of operation of the school for a minimum of 3 years. The plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

(c) The department must approve or deny a school's participation in the K-8 Virtual School Program within 90 days after receipt of an application.

(3) PARTICIPATING SCHOOLS.--

(a) A school approved by the department to participate in the K-8 Virtual School Program shall receive an initial 3-year contract with the department to provide program services, subject to annual department review and legislative appropriation. Contract renewals may be for up to 5 years upon agreement of both parties, contingent upon annual funding in the General Appropriations Act.

(b) A school approved to participate in the program is deemed to be an independent virtual school providing, on behalf of the state, a program of instruction that is full time, of 180 days' duration, and an online program of instruction to students in kindergarten through grade 8.

(c) A school approved to participate in the program must provide each student enrolled in the virtual school with:

1. All necessary instructional materials;

2. All equipment, including, but not limited to, a computer, computer monitor, and printer for each household that has a student enrolled in the virtual school; and

3. Access to or reimbursement for all Internet services necessary for online delivery of instruction for each household that has a student enrolled in the virtual school.

(4) PILOT SCHOOLS.--

(a) The two pilot K-8 virtual schools provided for in the 2005 General Appropriations Act may continue operation for the entire 2006-2007 school year.

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(b) With the exception of the application and contracting requirements, the pilot schools are subject to the provisions of this section for the 2006-2007 school year.

(c) Each pilot school must complete the application requirements of this section and be approved by the department in order to participate in the K-8 Virtual School Program beyond the 2006-2007 school year.

(5) STUDENT ELIGIBILITY.--

(a) Enrollment in each participating school is open to any K-8 student in this state if the student meets at least one of the following conditions:

1. Spent the prior school year in attendance at a public school in this state and was enrolled and reported by a public school district for funding during the preceding October and February for purposes of the Florida Education Finance Program surveys;
2. Was enrolled during the prior school year in a K-8 virtual school funded pursuant to this section or from funds provided in the 2005 General Appropriations Act;
3. Is eligible to enroll in kindergarten or the first grade; or
4. Has a sibling who is currently enrolled in a participating K-8 virtual school and was enrolled at the end of the prior school year.

(b) Students enrolled in a K-8 virtual school are subject to the compulsory attendance requirements of s. 1003.21. Student attendance must be verified according to procedures of the Department of Education.

(c) Each student enrolled in a K-8 virtual school must take state assessment tests within the student's school district of residence, which must provide that student with access to the district's testing facilities.

(6) FUNDING.--

(a) State funding for each school participating in the K-8 Virtual School Program shall be based on a total program enrollment and amount per full-time equivalent student established annually in the General Appropriations Act.

(b) Upon proper documentation of student enrollment, which must be reviewed and approved by the department, payments shall be made to participating schools in four equal payments no later than September 1, November 1, February 1, and April 15 of each academic year. The initial payment shall be made after the department verifies each student's admission to the school, and subsequent payments shall be made upon verification of the continued enrollment and attendance of the student.

(7) ASSESSMENT AND ACCOUNTABILITY.--

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(a) Each K-8 virtual school must participate in the statewide assessment program created under s. 1008.22 and shall be subject to the school grading system created by s. 1008.34.

(b) A K-8 virtual school that has a performance grade category of "D" or "F" must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(c) The department shall terminate the contract of any K-8 virtual school that receives a performance grade category of "D" or "F" for 2 years during any consecutive 4-year period.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--

(a) At the end of a contract with a K-8 virtual school, the department may choose not to renew the contract for any of the following grounds:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section;
2. Failure to receive a school performance grade of "C" or better under the school grading system created by s. 1008.34 for any 2 years in a consecutive 4-year period;
3. Failure to meet generally accepted standards of fiscal management;
4. Violation of law;
5. Failure of the Legislature to fund the program; or
6. Other good cause shown.

(b) During the term of the contract, the department may terminate the contract for any of the grounds listed in paragraph (a).

(c) If a contract is not renewed or is terminated, the K-8 virtual school is responsible for all debts of the school.

(d) If a contract is not renewed or is terminated, a student who attended the school must be allowed to be enrolled in a public school in the county in which the student is a resident.

(9) RULES.--The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer this section.

History.--s. 1, ch. 2006-48.

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1007.34 College reach-out program.--

(1) There is established a college reach-out program to increase the number of low-income educationally disadvantaged students in grades 6-12 who, upon high school graduation, are admitted to and successfully complete postsecondary education. Participants should be students who otherwise would be unlikely to seek admission to a community college, state university, or independent postsecondary institution without special support and recruitment efforts. The State Board of Education shall adopt rules that provide for the following:

(a) Definition of "low-income educationally disadvantaged student."

(b) Specific criteria and guidelines for selection of college reach-out participants.

(2) In developing the definition for "low-income educationally disadvantaged student," the State Board of Education shall include such factors as: the family's taxable income; family receipt of temporary cash assistance in the preceding year; family receipt of public assistance in the preceding year; the student's cumulative grade point average; the student's promotion and attendance patterns; the student's performance on state standardized tests; the student's enrollment in mathematics and science courses; and the student's participation in a dropout prevention program.

(3) To participate in the college reach-out program, a postsecondary educational institution may submit a proposal to the Department of Education. The State Board of Education shall consider the proposals and determine which proposals to implement as programs that will strengthen the educational motivation and preparation of low-income educationally disadvantaged students.

(4) Postsecondary educational institutions that participate in the program must provide procedures for continuous contact with students from the point at which they are selected for participation until they enroll in a postsecondary educational institution. These procedures must assist students in selecting courses required for graduation from high school and admission to a postsecondary educational institution and ensure that students continue to participate in program activities. Institutions that participate must provide on-campus academic and advisory activities during summer vacation and provide opportunities for interacting with college and university students as mentors, tutors, or role models. Proposals submitted by universities and consortia involving universities must provide students with an opportunity to live on campus.

- (5) In selecting proposals for approval, the State Board of Education shall give preference to:
- (a) Proposals submitted jointly by two or more eligible postsecondary educational institutions.
 - (b) A program that will use institutional, federal, or private resources to supplement state appropriations.
 - (c) An applicant that has demonstrated success in conducting similar programs.
 - (d) A program that includes innovative approaches, provides a great variety of activities, and includes a large percentage of low-income educationally disadvantaged minority students in the college reach-out program.
 - (e) An applicant that demonstrates commitment to the program by proposing to match the grant funds at least one-to-one in cash or services, with cash being the preferred match.
 - (f) An applicant that demonstrates an interest in cultural diversity and that addresses the unmet regional needs of varying communities.
- (6) A participating postsecondary educational institution is encouraged to use its resources to meet program objectives. A participating postsecondary educational institution must establish an advisory committee composed of high school and middle school personnel, as well as community leaders, to provide advice and assistance in implementing its program.
- (7) A proposal must contain the following information:
- (a) A statement of purpose that includes a description of the need for, and the results expected from, the proposed program.
 - (b) An identification of the service area that names the schools to be served, provides community and school demographics, and sets forth the postsecondary enrollment rates of high school graduates within the area.
 - (c) An identification of existing programs for enhancing the academic performance of minority and low-income educationally disadvantaged students for enrollment in postsecondary education.
 - (d) A description of the proposed program that describes criteria to be used to identify schools for participation in the program. At least 60 percent of the students recruited in any one year must be in grades 6-9.
 - (e) A description of the program activities that must support the following goals:
 - 1. Motivate students to pursue a postsecondary education.
 - 2. Enhance students' basic learning skills and performance.

3. Strengthen students' and parents' understanding of the benefits of postsecondary education.
4. Foster academic, personal, and career development through supplemental instruction.

(f) An evaluation component that provides for the collection, maintenance, retrieval, and analysis of the data required by this paragraph. The data must be used to assess the extent to which programs have accomplished specific objectives and achieved the goals of the college reach-out program. The Department of Education shall develop specifications and procedures for the collection and transmission of the data. The annual project evaluation component must contain:

1. The student identification number and social security number, if available; the name of the public school attended; gender; ethnicity; grade level; and grade point average of each participant at the time of entry into the program.
2. The grade point average, grade, and promotion status of each of the participants in the program at the end of the academic year and any suspension or expulsion of a participant, if applicable.
3. The number and percentage of high school participants who satisfactorily complete 2 sequential years of a foreign language and Level 2 and 3 mathematics and science courses.
4. The number and percentage of participants eligible for high school graduation who receive a standard high school diploma or a high school equivalency diploma, pursuant to s. 1003.435.
5. The number and percentage of 12th grade participants who are accepted for enrollment and who enroll in a postsecondary educational institution.
6. The number of participants who receive scholarships, grant aid, and work-study awards.
7. The number and percentage of participants who enroll in a public postsecondary educational institution and who fail to achieve a passing score, as defined in State Board of Education rule, on college placement tests pursuant to s. 1008.30.
8. The number and percentage of participants who enroll in a postsecondary educational institution and have a minimum cumulative 2.0 grade point average on a 4.0 scale by the end of the second semester.
9. The number of disabled students participating in the project and the nature of their disabilities.

(8) Proposals must be funded competitively in accordance with the following methodology:

(a) The funds appropriated must be distributed to projects on the basis of minimum standards that include:

1. A summer residency program of at least 1 week in duration.
2. A minimum number of hours of academic instructional and developmental activities, career

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counseling, and personal counseling.

(b) Subject to legislative appropriations, continuation projects that satisfy the minimum requirements should have their funds increased each year by the same percentage as the rate of inflation. Projects funded for 3 consecutive years should have a cumulative institutional cash match of not less than 50 percent of the total cost of the project over the 3-year period. Any college reach-out program project operating for 3 years which does not provide the minimum 50-percent institutional cash match must not be considered for continued funding.

(9) The Commissioner of Education shall appoint an advisory council to review the proposals and recommend to the State Board of Education an order of priority for funding the proposals.

(10) On or before February 15 of each year, each participating institution shall submit to the Department of Education an interim report containing program expenditures and participant information as required in State Board of Education rules.

(11) On or before November 1 of each year, postsecondary educational institutions participating in the program shall submit to the Department of Education an end-of-the-year report on the effectiveness of their participation in the program. The end-of-the-year report must include, without limitation:

(a) A copy of the certificate-of-expenditures form showing expenditures by category, state grant funds, and institutional matching in cash and in-kind services.

(b) A listing of students participating in the program by grade level, gender, and race.

(c) A statement of how the program addresses the four program goals identified in paragraph (7)(e).

(d) A brief description and analysis of program characteristics and activities critical to program success.

(e) A description of the cooperation received from other units or organizations.

(f) An explanation of the program's outcomes, including data related to student performance on the measures provided for in paragraph (7)(f).

(12) By February 15 of each year, the Department of Education shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable cohorts of students in public school and postsecondary education.

(13) Funding for the college reach-out program shall be provided in the General Appropriations Act.

History.---s. 364, ch. 2002-387.



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1006.03 Diagnostic and learning resource centers.--

(1) The department shall maintain regional diagnostic and learning resource centers for exceptional students, to assist in the provision of medical, physiological, psychological, and educational testing and other services designed to evaluate and diagnose exceptionalities, to make referrals for necessary instruction and services, and to facilitate the provision of instruction and services to exceptional students. The department shall cooperate with the Department of Children and Family Services in identifying service needs and areas.

(2) Within its identified service area, each regional center shall:

(a) Provide assistance to parents, teachers, and other school personnel and community organizations in locating and identifying exceptional children and planning educational programs for them.

(b) Assist in the provision of services for exceptional children, using to the maximum, but not supplanting, the existing facilities and services of each district.

(c) Provide orientation meetings at least annually for teachers, principals, supervisors, and community agencies to familiarize them with center facilities and services for exceptional children.

(d) Plan, coordinate, and assist in the implementation of inservice training programs, consistent with each district's program of staff development, for the development and updating of attitudes, skills, and instructional practices and procedures necessary to the education of exceptional children.

(e) Assist districts in the identification, selection, acquisition, use, and evaluation of media and materials appropriate to the implementation of instructional programs based on individual educational plans for exceptional children.

(f) Provide for the dissemination and diffusion of significant information and promising practices derived from educational research, demonstration, and other projects.

(g) Assist in the delivery, modification, and integration of instructional technology, including microcomputer applications and adaptive and assistive devices, appropriate to the unique needs of exceptional students.

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(3) Diagnostic and resource centers may provide testing and evaluation services to private school students and other children who are not enrolled in public schools.

(4) Diagnostic and learning resource centers may assist districts in providing testing and evaluation services for infants and preschool children with or at risk of developing disabilities, and may assist districts in providing interdisciplinary training and resources to parents of infants and preschool children with or at risk of developing disabilities and to school readiness programs.

History.---s. 267, ch. 2002-387.

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1002.35 New World School of the Arts.--

(1) The New World School of the Arts is created as a center of excellence for the performing and visual arts, to serve all of the State of Florida. The school shall offer a program of academic and artistic studies in the visual and performing arts which shall be available to talented high school and college students.

(2)(a) For purposes of governance, the New World School of the Arts is assigned to Miami Dade College, the Miami-Dade County Public Schools, and one or more universities designated by the State Board of Education. The State Board of Education, in conjunction with the Board of Governors, shall assign to the New World School of the Arts a university partner or partners. In this selection, the State Board of Education and the Board of Governors shall consider the accreditation status of the core programs. Florida International University, in its capacity as the provider of university services to Miami-Dade County, shall be a partner to serve the New World School of the Arts, upon meeting the accreditation criteria. The respective boards shall appoint members to an executive board for administration of the school. The executive board may include community members and shall reflect proportionately the participating institutions. Miami Dade College shall serve as fiscal agent for the school.

(b) The New World School of the Arts Foundation is created for the purpose of providing auxiliary financial support for the school's programs, including, but not limited to, the promotion and sponsorship of special events and scholarships. Foundation membership shall be determined by the executive board.

(c) The school may affiliate with other public or private educational or arts institutions. The school shall serve as a professional school for all qualified students within appropriations and limitations established by the Legislature and the respective educational institutions.

(3) The school shall submit annually a formula-driven budget request to the commissioner and the Legislature. This formula shall be developed in consultation with the Department of Education and staff of the Legislature. However, the actual funding for the school shall be determined by the Legislature in the General Appropriations Act.

(4) The State Board of Education and the Board of Governors shall utilize resources, programs, and faculty from the various state universities in planning and providing the curriculum and courses at the New World School of the Arts, drawing on program strengths at each state university.

History.--s. 100, ch. 2002-387; s. 81, ch. 2007-217; s. 176, ch. 2008-4.

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1011.75 Gifted education exemplary program grants.--

(1) This section shall be known and may be cited as the "Challenge Grant Program for the Gifted."

(2) There is hereby created a grant program for education for the gifted which shall be administered by the Commissioner of Education in cooperation and consultation with appropriate organizations and associations concerned with education for the gifted and pursuant to rules adopted by the State Board of Education. The program may be implemented in any public school.

(3) Pursuant to policies and rules to be adopted by the State Board of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board may submit to the commissioner a proposed program designed to effectuate an exemplary program for education for the gifted in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a community college or public or private college or university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 1003.435. In order to be approved, a program proposal must include:

(a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms.

(b) Information concerning the number of students, teachers, and other personnel to be involved in the program.

(c) The estimated cost of the program and the number of years for which it is to be funded.

(d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period.

(e) Such other information and provisions as the commissioner requires.

(4) The commissioner shall review and approve, disapprove, or resubmit for modification all proposed programs for education for the gifted submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for exemplary program grants for education for the gifted as provided for by

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this section. These funds shall be in addition to any funds for education for the gifted provided pursuant to s. 1011.62.

History.--s. 668, ch. 2002-387.

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1012.05 Teacher recruitment and retention.--

(1) The Department of Education, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of all public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment and retention of qualified teachers.

(2) The Department of Education shall:

(a) Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.

(b) Advertise in major newspapers, national professional publications, and other professional publications and in public and nonpublic postsecondary educational institutions.

(c) Utilize state and nationwide toll-free numbers.

(d) Conduct periodic communications with district personnel directors regarding applicants.

(e) Provide district access to the applicant database by computer or telephone.

(f) Develop and distribute promotional materials related to teaching as a career.

(g) Publish and distribute information pertaining to employment opportunities, application procedures, and all routes toward teacher certification in Florida, and teacher salaries.

(h) Provide information related to certification procedures.

(i) Develop and sponsor the Florida Future Educator of America Program throughout the state.

(j) Develop, in consultation with school district staff including, but not limited to, district school superintendents, district school board members, and district human resources personnel, a long-range plan for educator recruitment and retention.

(k) Identify best practices for retaining high-quality teachers.

(l) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, created pursuant to ss. 445.004 and 20.50, respectively, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

(m) Create guidelines and identify best practices for the mentors of first-time teachers and for new teacher-support programs that focus on the professional assistance needed by first-time teachers throughout the first year of teaching. The department shall consult with the Florida Center for Reading Research and the Just Read, Florida! Office in developing the guidelines.

(n) Develop and implement a First Response Center to provide educator candidates one-stop shopping for information on teaching careers in Florida and establish the Teacher Lifeline Network to provide online support to beginning teachers and those needing assistance.

(o) Develop and implement an online Teacher Toolkit that contains a menu of resources, based on the Sunshine State Standards, that all teachers can use to enhance classroom instruction and increase teacher effectiveness, thus resulting in improved student achievement.

(p) Establish a week designated as Educator Appreciation Week to recognize the significant contributions made by educators to their students and school communities.

→ (q) The Department of Education shall notify each teacher, via e-mail, of each item in the General Appropriations Act and legislation that affects teachers, including, but not limited to, the Excellent Teaching Program, the Teachers Lead Program, liability insurance protection for teachers, death benefits for teachers, substantive legislation, rules of the State Board of Education, and issues concerning student achievement.

(3)(a) Each school board shall adopt policies relating to mentors and support for first-time teachers based upon guidelines issued by the Department of Education.

(b) By September 15 and February 15 each school year, each school district shall electronically submit accurate public school e-mail addresses for all instructional and administrative personnel, as identified in s. 1012.01(2) and (3), to the Department of Education.

(4) The Department of Education, in cooperation with district personnel offices, shall sponsor a job fair in a central part of the state to match in-state educators and potential educators and out-of-state educators and potential educators with teaching opportunities in this state. The Department of Education is authorized to collect a job fair registration fee not to exceed \$20 per person and a booth fee not to exceed \$250 per school district or other interested participating organization. The revenue from the fees shall be used to promote and operate the job fair. Funds may be used to purchase promotional items such as mementos, awards, and plaques.

(5) Subject to proviso in the General Appropriations Act, the Commissioner of Education may use funds appropriated by the Legislature and funds from federal grants and other sources to provide incentives

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for teacher recruitment and preparation programs. The purpose of the use of such funds is to recruit and prepare individuals who do not graduate from state-approved teacher preparation programs to teach in a Florida public school. The commissioner may contract with entities other than, and including, approved teacher preparation programs to provide intensive teacher training leading to passage of the required certification exams for the desired subject area or coverage. The commissioner shall survey school districts to evaluate the effectiveness of such programs.

(6) The Commissioner of Education shall take steps that provide flexibility and consistency in meeting the highly qualified teacher criteria as defined in the No Child Left Behind Act of 2001 through a High, Objective, Uniform State Standard of Evaluation (HOUSSE).

History.--s. 691, ch. 2002-387; s. 40, ch. 2003-391; s. 14, ch. 2004-271; s. 7, ch. 2004-295.



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1004.55 Regional autism centers.--

(1) Seven regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Service delivery shall be consistent for all centers. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, Clay, Duval, Flagler, Nassau, and St. Johns Counties.

(d) The Louis de la Parte Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

(e) The Mailman Center for Child Development and the Department of Psychology at the University of Miami, which serves Broward, Miami-Dade, and Monroe Counties.

(f) The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

(g) The Department of Exceptional Student Education at Florida Atlantic University, which serves Palm Beach, Martin, St. Lucie, Okeechobee, and Indian River Counties.

(2) There is established for each center a constituency board, which shall work collaboratively with the center. Each board shall consist of no fewer than six members, each of whom is either an individual who has a disability that is described in subsection (1) or is a member of a family that includes a person who has such a disability, who are selected by each university president from a list that has been developed by the Autism Society of Florida and other relevant constituency groups that represent persons who have sensory impairments as described in subsection (1). As representatives of the center's constituencies, these boards shall meet quarterly with the staff of each of the centers to provide advice on policies, priorities, and activities. Each board shall submit to the university president and to the Department of Education an annual report that evaluates the activities and accomplishments of its center during the year. The board for each center should raise funds equivalent to 2 percent of the total funds allocated to that center in each fiscal year.

(3) To promote statewide planning and coordination, a conference must be held annually for staff from each of the seven centers and representatives from each center's constituency board. The purpose of the conference is to facilitate coordination, networking, cross-training, and feedback among the staffs and constituency boards of the centers.

(4) Each center shall provide:

(a) A staff that has expertise in autism and autistic-like behaviors and in sensory impairments.

(b) Individual and direct family assistance in the home, community, and school. A center's assistance should not supplant other responsibilities of state and local agencies, and each school district is responsible for providing an appropriate education program for clients of a center who are school age.

(c) Technical assistance and consultation services, including specific intervention and assistance for a client of the center, the client's family, and the school district, and any other services that are appropriate.

(d) Professional training programs that include developing, providing, and evaluating preservice and inservice training in state-of-the-art practices for personnel who work with the populations served by the centers and their families.

(e) Public education programs to increase awareness of the public about autism, autistic-related disabilities of communication and behavior, dual sensory impairments, and sensory impairments with other handicapping conditions.

(5) The State Board of Education, in cooperation with the regional autism centers, shall adopt the necessary rules to carry out the purposes of this section.

History.--s. 202, ch. 2002-387; s. 1, ch. 2005-49; s. 183, ch. 2008-4; s. 6, ch. 2008-204.

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1001.451 Regional consortium service organizations.--In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students, developmental research (laboratory) schools established pursuant to s. [1002.32](#), and the Florida School for the Deaf and the Blind may enter into cooperative agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of \$50,000 per school district and eligible member to be used for the delivery of services within the participating school districts. The determination of services and use of such funds shall be established by the board of directors of the regional consortium service organization. The funds shall be distributed to each regional consortium service organization no later than 30 days following the release of the funds to the department.

(b) Application for incentive grants shall be made to the Commissioner of Education by July 30 of each year for distribution to qualifying regional consortium service organizations by January 1 of the fiscal year.

(c) Notwithstanding paragraph (a), the appropriation for the 2008-2009 fiscal year may be less than \$50,000 per school district and eligible member. If the amount appropriated is insufficient to provide \$50,000, the funds available must be prorated among all eligible districts and members. This paragraph expires July 1, 2009.

(3) In order to economically provide programs and services to participating school districts and members, a regional consortium service organization may establish purchasing and bidding programs, including construction and construction management arrangements, in lieu of individual school district bid arrangements pursuant to policies exercised by its member districts. Participation in regional consortium service organization bids shall be accomplished by action of an individual district school board through a letter of intent to participate and shall be reflected in official district school board

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minutes.

(4) A regional consortium service organization board of directors may elect to establish a direct-support organization pursuant to s. 1001.453 which is independent of its fiscal agent district.

History.--s. 58, ch. 2002-387; s. 3, ch. 2005-56; s. 2, ch. 2006-27; s. 17, ch. 2006-301; s. 3, ch. 2008-142.

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1001.47 District school superintendent; salary.--

(1) Each elected district school superintendent shall receive as salary the amount indicated pursuant to this section. However, a district school board, by majority vote, may approve a salary in excess of the amount specified in this section.

(2) Each elected district school superintendent shall receive a base salary, the amounts indicated in this subsection, based on the population of the county the elected superintendent serves. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. Laws that increase the base salary provided in this subsection shall contain provisions on no other subject.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$21,250	\$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

(3) The adjusted base salaries of elected district school superintendents shall be increased annually as provided for in s. 145.19. Any salary previously paid to elected superintendents, including the salary calculated for fiscal years 2002-2003 and 2003-2004, which was consistent with chapter 145 and s. 230.303, Florida Statutes (2001), is hereby ratified and validated.

→(4)(a) There shall be an additional \$2,000 per year special qualification salary paid by district school boards for each elected district school superintendent who has met the certification requirements established by the Department of Education. Any elected district school superintendent who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

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(b) In order to qualify for the special qualification salary provided by paragraph (a), the elected district school superintendent must complete the requirements established by the Department of Education within 6 years after first taking office.

(c) After an elected district school superintendent meets the requirements of paragraph (a), in order to remain certified the district school superintendent shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Education.

→ (5)(a) The Department of Education shall provide a leadership development and performance compensation program for elected district school superintendents, comparable to chief executive officer development programs for corporate executive officers, to include:

1. A content-knowledge-and-skills phase consisting of: creative leadership models and theory, demonstration of effective practice, simulation exercises and personal skills practice, and assessment with feedback, taught in a professional training setting under the direction of experienced, successful trainers.

2. A competency-acquisition phase consisting of on-the-job application of knowledge and skills for a period of not less than 6 months following the successful completion of the content-knowledge-and-skills phase. The competency-acquisition phase shall be supported by adequate professional technical assistance provided by experienced trainers approved by the department. Competency acquisition shall be demonstrated through assessment and feedback.

(b) Upon the successful completion of both phases and demonstrated successful performance, as determined by the department, an elected district school superintendent shall be issued a Chief Executive Officer Leadership Development Certificate, and the department shall pay an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his or her performance evaluation.

(c) An elected district school superintendent's eligibility to continue receiving the annual performance salary incentive is contingent upon his or her continued performance assessment and followup training prescribed by the department.

History.—s. 67, ch. 2002-387; s. 28, ch. 2004-41; s. 1, ch. 2006-301.



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1003.57 Exceptional students instruction.--

(1) Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable, including provisions that:

(a) The district school board provide the necessary professional services for diagnosis and evaluation of exceptional students.

(b) The district school board provide the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner.

(c) The district school board annually provide information describing the Florida School for the Deaf and the Blind and all other programs and methods of instruction available to the parent of a sensory-impaired student.

(d) The district school board, once every 3 years, submit to the department its proposed procedures for the provision of special instruction and services for exceptional students.

(e) A student may not be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner prescribed by rules of the State Board of Education. The parent of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. [120.569](#), [120.57](#), and [286.011](#), except to the extent that the State Board of Education adopts rules establishing other procedures and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. [119.07\(1\)](#). The hearing must be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the

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alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents otherwise agree, the student shall remain in his or her then-current educational assignment or, if applying for initial admission to a public school, shall be assigned, with the consent of the parents, in the public school program until all such proceedings have been completed.

(f) In providing for the education of exceptional students, the district school superintendent, principals, and teachers shall utilize the regular school facilities and adapt them to the needs of exceptional students to the maximum extent appropriate. Segregation of exceptional students shall occur only if the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(g) In addition to the services agreed to in a student's individual education plan, the district school superintendent shall fully inform the parent of a student having a physical or developmental disability of all available services that are appropriate for the student's disability. The superintendent shall provide the student's parent with a summary of the student's rights.

(2)(a) An exceptional student with a disability who resides in a residential facility and receives special instruction or services is considered a resident of the state in which the student's parent is a resident. The cost of such instruction, facilities, and services for a nonresident student with a disability shall be provided by the placing authority in the student's state of residence, such as a public school entity, other placing authority, or parent. A nonresident student with a disability may not be reported by any school district for FTE funding in the Florida Education Finance Program.

(b) The Department of Education shall provide to each school district a statement of the specific limitations of the district's financial obligation for exceptional students with disabilities under federal and state law. The department shall also provide to each school district technical assistance as necessary for developing a local plan to impose on a student's home state the fiscal responsibility for educating a nonresident exceptional student with a disability.

(c) The Department of Education shall develop a process by which a school district must, before providing services to an exceptional student with a disability who resides in a residential facility in this state, review the residency of the student. The residential facility, not the district, is responsible for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(d) The Department of Education shall formulate an interagency agreement or other mechanism for billing and collecting from a nonresidential student's home state payment for the student's educational and related services.

(e) This subsection applies to any nonresident student with a disability who resides in a residential facility and who receives instruction as an exceptional student with a disability in any type of residential

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facility in this state, including, but not limited to, a public school, a private school, a group home facility as defined in s. 393.063, an intensive residential treatment program for children and adolescents as defined in s. 395.002, a facility as defined in s. 394.455, an intermediate care facility for the developmentally disabled or ICF/DD as defined in s. 393.063 or s. 400.960, or a community residential home as defined in s. 419.001.

History.--s. 151, ch. 2002-387; s. 30, ch. 2006-74.

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1002.36 Florida School for the Deaf and the Blind.--

(1) RESPONSIBILITIES.--The Florida School for the Deaf and the Blind, located in St. Johns County, is a state-supported residential public school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a component of the delivery of public education within Florida's K-20 education system and shall be funded through the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Unless otherwise provided by law, the school shall comply with all laws and rules applicable to state agencies. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and to district school boards upon request. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the William L. Boyd, IV, Florida Resident Access Grant Program as provided in s. [1009.89](#).

(2) MISSION.--The mission of the Florida School for the Deaf and the Blind is to utilize all available talent, energy, and resources to provide free appropriate public education for eligible sensory-impaired students of Florida. As a school of academic excellence, the school shall strive to provide students an opportunity to access education services in a caring, safe, unique learning environment to prepare them to be literate, employable, and independent lifelong learners. The school shall provide outreach services that include collaboration with district school boards and shall encourage input from students, staff, parents, and the community. As a diverse organization, the school shall foster respect and understanding for each individual.

(3) AUDITS.--The Auditor General shall conduct annual audits of the accounts and records of the Florida School for the Deaf and the Blind. The Department of Education's Inspector General is authorized to conduct investigations at the school as provided in s. [1001.20\(4\)\(e\)](#).

(4) BOARD OF TRUSTEES.--

(a) There is hereby created a Board of Trustees for the Florida School for the Deaf and the Blind which shall consist of seven members. Of these seven members, one appointee shall be a blind person and one appointee shall be a deaf person. Each member shall have been a resident of the state for a period of at least 10 years. Their terms of office shall be 4 years. The appointment of the trustees shall be by the Governor with the confirmation of the Senate. The Governor may remove any member for cause and

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shall fill all vacancies that occur.

(b) The board of trustees shall elect a chair annually. The trustees shall be reimbursed for travel expenses as provided in s. 112.061, the accounts of which shall be paid by the Chief Financial Officer upon itemized vouchers duly approved by the chair.

(c) The board of trustees has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law relating to operation of the Florida School for the Deaf and the Blind. Such rules shall be submitted to the State Board of Education for approval or disapproval. After a rule is approved by the State Board of Education, the rule shall be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

(d) The board of trustees is a body corporate and shall have a corporate seal. Unless otherwise provided by law, all actions of the board of trustees shall be consistent with all laws and rules applicable to state agencies. Title to any gift, donation, or bequest received by the board of trustees pursuant to subparagraph (e)11. shall vest in the board of trustees. Title to all other property and other assets of the Florida School for the Deaf and the Blind shall vest in the State Board of Education, but the board of trustees shall have complete jurisdiction over the management of the school.

(e) The board of trustees is invested with full power and authority to:

1. Appoint a president, faculty, teachers, and other employees and remove the same as in its judgment may be best and fix their compensation.
2. Procure professional services, such as medical, mental health, architectural, and engineering.
3. Procure legal services without the prior written approval of the Attorney General.
4. Determine eligibility of students and procedure for admission.
5. Provide for the students of the school necessary bedding, clothing, food, and medical attendance and such other things as may be proper for the health and comfort of the students without cost to their parents, except that the board of trustees may set tuition and other fees for nonresidents.
6. Provide for the proper keeping of accounts and records and for budgeting of funds.
7. Enter into contracts.
8. Sue and be sued.
9. Secure public liability insurance.
10. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible, the board of trustees

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taking into consideration the purposes of the establishment.

11. Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity. However, the board of trustees may not obligate the state to any expenditure or policy that is not specifically authorized by law. If the bill of sale, will, trust indenture, deed, or other legal conveyance specifies terms and conditions concerning the use of such money or property, the board of trustees shall observe such terms and conditions.

12. Deposit outside the State Treasury such moneys as are received as gifts, donations, or bequests and may disburse and expend such moneys, upon its own warrant, for the use and benefit of the Florida School for the Deaf and the Blind and its students, as the board of trustees deems to be in the best interest of the school and its students. Such money or property shall not constitute or be considered a part of any legislative appropriation.

13. Sell or convey by bill of sale, deed, or other legal instrument any property, real or personal, received as a gift, donation, or bequest, upon such terms and conditions as the board of trustees deems to be in the best interest of the school and its students.

14. Invest such moneys in securities enumerated under s. 215.47(1), (2)(c), (3), (4), and (9), and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests for operations and fixed capital outlay, in accordance with chapter 216 and ss. 1011.56 and 1013.60, to the Department of Education for review and approval. The department must analyze the amount requested for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan. Projections of facility space needs may exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

2. Approve and administer an annual operating budget in accordance with ss. 1011.56 and 1011.57.

3. Require all funds received other than gifts, donations, bequests, funds raised by or belonging to student clubs or student organizations, and funds held for specific students or in accounts for individual students to be deposited in the State Treasury and expended as authorized in the General Appropriations Act.

4. Require all purchases to be in accordance with the provisions of chapter 287 except for purchases made with funds received as gifts, donations, or bequests; funds raised by or belonging to student clubs or student organizations; or funds held for specific students or in accounts for individual students.

5. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel

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classification and pay plan established in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 110, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

6. Give preference in appointment and retention in positions of employment as provided within s. 295.07(1).

7. Ensure that the Florida School for the Deaf and the Blind complies with s. 1013.351 concerning the coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.

8. Ensure that the Florida School for the Deaf and the Blind complies with s. 112.061 concerning per diem and travel expenses of public officers, employees, and authorized persons with respect to all funds other than funds received as gifts, donations, or bequests; funds raised by or belonging to student clubs or student organizations; or funds held for specific students or in accounts for individual students.

9. Adopt a master plan which specifies the mission and objectives of the Florida School for the Deaf and the Blind. The plan shall include, but not be limited to, procedures for systematically measuring the school's progress toward meeting its objectives, analyzing changes in the student population, and modifying school programs and services to respond to such changes. The plan shall be for a period of 5 years and shall be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the Speaker of the House of Representatives and the President of the Senate.

10. Designate a portion of the school as "The Verle Allyn Pope Complex for the Deaf," in tribute to the late Senator Verle Allyn Pope.

(5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board of Trustees for the Florida School for the Deaf and the Blind shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 1002.22. Employee personnel records shall be subject to the provisions of s. 1012.31.

(6) LEGAL SERVICES.--The Board of Trustees for the Florida School for the Deaf and the Blind may provide legal services for officers and employees of the board of trustees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities. The board of trustees may provide for reimbursement of reasonable expenses for legal services for officers and employees of said board of trustees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the officer or employee. However, in any case in which the officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the board of trustees for any legal services that the board of trustees may have supplied pursuant to this section. The board of trustees may also reimburse an officer or employee thereof for any judgment that may be entered against him or her in a civil action arising out of and in the course of

the performance of his or her assigned duties and responsibilities. Each expenditure by the board of trustees for legal defense of an officer or employee, or for reimbursement pursuant to this section, shall be made at a public meeting with notice pursuant to s. 120.525(1). The providing of such legal services or reimbursement under the conditions described in this subsection is declared to be a school purpose for which school funds may be expended.

(7) PERSONNEL SCREENING.--

(a) The Board of Trustees of the Florida School for the Deaf and the Blind shall, because of the special trust or responsibility of employees of the school, require all employees and applicants for employment to undergo personnel screening and security background investigations as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, as a condition of employment and continued employment. The cost of a personnel screening and security background investigation for an employee of the school shall be paid by the school. The cost of such a screening and investigation for an applicant for employment may be paid by the school.

(b) As a prerequisite for initial and continuing employment at the Florida School for the Deaf and the Blind:

1. The applicant or employee shall submit to the Florida School for the Deaf and the Blind a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the Florida School for the Deaf and the Blind who is trained to take fingerprints. The Florida School for the Deaf and the Blind shall submit the fingerprints to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing.

2.a. The applicant or employee shall attest to the minimum standards for good moral character as contained in chapter 435, using the level 2 standards set forth in that chapter under penalty of perjury.

b. New personnel shall be on a probationary status pending a determination of compliance with such minimum standards for good moral character. This paragraph is in addition to any probationary status provided for by Florida law or Florida School for the Deaf and the Blind rules or collective bargaining contracts.

3. The Florida School for the Deaf and the Blind shall review the record of the applicant or employee with respect to the crimes contained in s. 435.04 and shall notify the applicant or employee of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the applicant or employee, upon request of the Florida School for the Deaf and the Blind, to obtain and supply within 30 days the missing disposition information to the Florida School for the Deaf and the Blind. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification of an applicant and automatic termination of an employee.

4. After an initial personnel screening and security background investigation, written notification shall be given to the affected employee within a reasonable time prior to any subsequent screening and

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investigation.

(c) The Florida School for the Deaf and the Blind may grant exemptions from disqualification as provided in s. 435.07.

(d) The Florida School for the Deaf and the Blind may not use the criminal records, private investigator findings, or information reference checks obtained by the school pursuant to this section for any purpose other than determining if a person meets the minimum standards for good moral character for personnel employed by the school. The criminal records, private investigator findings, and information from reference checks obtained by the Florida School for the Deaf and the Blind for determining the moral character of employees of the school are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications for a position of special trust.
2. Use the criminal records, private investigator findings, or information from reference checks obtained under this section or information obtained from such records or findings for purposes other than screening for employment or release such information or records to persons for purposes other than screening for employment.

(f) For the purpose of teacher certification, the Florida School for the Deaf and the Blind shall be considered a school district.

(g) For purposes of protecting the health, safety, or welfare of students, the Florida School for the Deaf and the Blind is considered a school district and must, except as otherwise provided in this section, comply with ss. 1001.03, 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33, 1012.56, 1012.795, and 1012.796.

(8) CAMPUS POLICE.--

(a) The Board of Trustees for the Florida School for the Deaf and the Blind is permitted and empowered to employ police officers for the school, who must be designated Florida School for the Deaf and the Blind campus police.

(b) Each Florida School for the Deaf and the Blind campus police officer is a law enforcement officer of the state and a conservator of the peace who has the authority to arrest, in accordance with the laws of this state, any person for a violation of state law or applicable county or municipal ordinance if that violation occurs on or in any property or facilities of the school. A campus police officer may also arrest a person off campus for a violation committed on campus after a hot pursuit of that person which began

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on campus. A campus police officer shall have full authority to bear arms in the performance of the officer's duties and carry out a search pursuant to a search warrant on the campus. Florida School for the Deaf and the Blind campus police, upon request of the sheriff or local police authority, may serve subpoenas or other legal process and may make arrests of persons against whom arrest warrants have been issued or against whom charges have been made for violations of federal or state laws or county or municipal ordinances. Campus police officers shall have authority to enforce traffic laws within the boundaries of the campus in accordance with s. 316.640.

(c) The campus police shall promptly deliver all persons arrested and charged with felonies to the sheriff of the county within which the school is located and all persons arrested and charged with misdemeanors to the applicable authority as provided by law, but otherwise to the sheriff of the county in which the school is located.

(d) The campus police must meet the minimum standards established by the Criminal Justice Standards and Training Commission of the Department of Law Enforcement and chapter 943 for law enforcement officers. Each campus police officer must, before entering into the performance of the officer's duties, take the oath of office established by the board of trustees. The board of trustees must provide a uniform set of identifying credentials to each campus police officer it employs.

(e) In performance of any of the powers, duties, and functions authorized by law, campus police have the same rights, protections, and immunities afforded other law enforcement officers.

(f) The board of trustees shall adopt rules, including, without limitation, rules for the appointment, employment, and removal of campus police in accordance with the State Career Service System and shall establish in writing a policy manual, that includes, without limitation, procedures for managing routine law enforcement situations and emergency law enforcement situations. The board of trustees shall furnish a copy of the policy manual to each of the campus police officers it employs. A campus police officer appointed by the board of trustees must have completed the training required by the school in the special needs and proper procedures for dealing with students served by the school.

(9) REPORT OF CAMPUS CRIME STATISTICS.--

(a) The school shall prepare an annual report of statistics of crimes committed on its campus and shall submit the report to the board of trustees and the Commissioner of Education. The data for these reports may be taken from the annual report of the Department of Law Enforcement. The board of trustees shall prescribe the form for submission of these reports.

(b) The school shall prepare annually a report of statistics of crimes committed on its campus for the preceding 3 years. The school shall give students and prospective students notice that this report is available upon request.

History.--s. 101, ch. 2002-387; s. 1944, ch. 2003-261; s. 65, ch. 2004-267; s. 3, ch. 2004-331; s. 1, ch. 2006-132; s. 4, ch. 2006-205; s. 15, ch. 2008-108.



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1001.28 Distance learning duties.--The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

- (1) Facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.
- (2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders on the education satellites, the SUNCOM Network, the Florida Information Resource Network (FIRN), the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.
- (3) Assist in the coordination of the utilization of the production and uplink capabilities available through Florida's public television stations, eligible facilities, independent colleges and universities, private firms, and others as needed.
- (4) Seek the assistance and cooperation of Florida's cable television providers in the implementation of the statewide advanced telecommunications services and distance learning network.
- (5) Seek the assistance and cooperation of Florida's telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.
- (6) Coordinate partnerships for development, acquisition, use, and distribution of distance learning.
- (7) Secure and administer funding for programs and activities for distance learning from federal, state, local, and private sources and from fees derived from services and materials.
- (8) Manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the public education distance learning in this state based upon an allocation formula of one-third to the Department of Education, one-third to community colleges, and one-third to state universities.
- (9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 110

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and is included in the Senior Management Service in accordance with s. 110.205.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

History.--s. 34, ch. 2002-387; s. 73, ch. 2007-217.

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1006.06 School food service programs.--

(1) In recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, it is the policy of the state to provide standards for school food service and to require district school boards to establish and maintain an appropriate private school food service program consistent with the nutritional needs of students.

(2) The State Board of Education shall adopt rules covering the administration and operation of the school food service programs.

(3) Each district school board shall consider the recommendations of the district school superintendent and adopt policies to provide for an appropriate food and nutrition program for students consistent with federal law and State Board of Education rule.

(4) The state shall provide the state National School Lunch Act matching requirements. The funds provided shall be distributed in such a manner as to comply with the requirements of the National School Lunch Act.

(5)(a) Each district school board shall implement school breakfast programs that make breakfast meals available to all students in each elementary school. By the beginning of the 2010-2011 school year, the school breakfast programs shall make breakfast meals available to all students in each elementary, middle, and high school. Each school shall, to the maximum extent practicable, make breakfast meals available to students at an alternative site location, which may include, but need not be limited to, alternative breakfast options as described in publications of the Food and Nutrition Service of the United States Department of Agriculture for the federal School Breakfast Program.

(b) Beginning with the 2009-2010 school year, each school district must annually set prices for breakfast meals at rates that, combined with federal reimbursements, are sufficient to defray costs of school breakfast programs without requiring allocations from the district's operating funds, except if the district school board approves lower rates.

(c) Each district school board is encouraged to provide universal-free school breakfast meals to all students in each elementary, middle, and high school. By the beginning of the 2010-2011 school year, each district school board shall approve or disapprove a policy, after receiving public testimony concerning the proposed policy at two or more regular meetings, which makes universal-free school

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breakfast meals available to all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals.

(d) Beginning with the 2009-2010 school year, each elementary, middle, and high school shall make a breakfast meal available if a student arrives at school on the school bus less than 15 minutes before the first bell rings and shall allow the student at least 15 minutes to eat the breakfast.

(e) Each school district shall annually provide to all students in each elementary, middle, and high school information prepared by the district's food service administration regarding its school breakfast programs. The information shall be communicated through school announcements and written notice sent to all parents.

(f) A district school board may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.

(g) The commissioner shall make every reasonable effort to ensure that any school designated a "severe need school" receives the highest rate of reimbursement to which it is entitled under 42 U.S.C. s. 1773 for each breakfast meal served.

(h) The department shall annually allocate among the school districts funds provided from the school breakfast supplement in the General Appropriations Act based on each district's total number of free and reduced-price breakfast meals served.

History.--s. 271, ch. 2002-387; s. 1, ch. 2008-190.



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1001.26 Public broadcasting program system.--

(1) There is created a public broadcasting program system for the state. The department shall administer this program system pursuant to rules adopted by the State Board of Education. This program system must complement and share resources with the instructional programming service of the Department of Education and educational UHF, VHF, ITFS, and FM stations in the state. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational radio and television stations and new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by rule by the State Board of Education.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing or future educational television and radio stations in accordance with paragraph (a) and s. [1001.25\(2\)\(c\)](#).

(e) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(2)(a) The Department of Education is responsible for implementing the provisions of this section pursuant to s. [282.102](#) and may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

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(b) The department shall provide through educational television and other electronic media a means of extending educational services to all the state system of public education. The department shall recommend to the State Board of Education rules necessary to provide such services.

(c) The department is authorized to provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television or educational radio, or for both.

(3) The State Board of Education shall adopt rules for the proper enforcement and carrying out of these provisions.

History.--s. 32, ch. 2002-387; s. 24, ch. 2004-41.

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(4) The Florida Education and Training Placement Information Program may perform longitudinal analyses for all levels of education and workforce development. These analyses must include employment stability, annual earnings, and relatedness of employment to education.

History.--s. 386, ch. 2002-387.

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1001.01 State Board of Education; generally.--

(1) The State Board of Education is established as a body corporate. The state board shall be a citizen board consisting of seven members who are residents of the state appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate. Members of the state board shall serve without compensation but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. [112.061](#). Members may be reappointed by the Governor for additional terms not to exceed 8 years of consecutive service.

(2) The State Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reselected for one additional consecutive term.

(3) Four members of the State Board of Education shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present.

History.--s. 19, ch. 2002-387.



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1001.02 General powers of State Board of Education.--

(1) The State Board of Education is the chief implementing and coordinating body of public education in Florida except for the State University System, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement the provisions of law conferring duties upon it for the improvement of the state system of K-20 public education except for the State University System. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(2) The State Board of Education has the following duties:

(a) To adopt comprehensive educational objectives for public education except for the State University System.

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education except for the State University System.

(c) To exercise general supervision over the divisions of the Department of Education as necessary to ensure coordination of educational plans and programs and resolve controversies and to minimize problems of articulation and student transfers, to ensure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.

(d) To adopt, in consultation with the Board of Governors, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(e) To adopt and submit to the Governor and Legislature, as provided in s. [216.023](#), a coordinated K-20 education budget that estimates the expenditure requirements for the Board of Governors, as provided in s. [1001.706](#), the State Board of Education, including the Department of Education and the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors, as provided in s. [1001.706](#), or the State Board of Education for

the ensuing fiscal year. The State Board of Education may not amend the budget request submitted by the Board of Governors. Any program recommended by the Board of Governors or the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(f) To hold meetings, transact business, keep records, adopt a seal, and, except as otherwise provided by law, perform such other duties as may be necessary for the enforcement of laws and rules relating to the state system of public education.

(g) To approve plans for cooperating with the Federal Government.

(h) To approve plans for cooperating with other public agencies in the development of rules and in the enforcement of laws for which the state board and such agencies are jointly responsible.

(i) To review plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.

(j) To create such subordinate advisory bodies as are required by law or as it finds necessary for the improvement of education.

(k) To constitute any education bodies or other structures as required by federal law.

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority.

(o) To authorize the allocation of resources in accordance with law and rule.

(p) To contract with independent institutions accredited by an agency whose standards are comparable to the minimum standards required to operate a postsecondary educational institution at that level in the state. The purpose of the contract is to provide those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education.

(q) To recommend that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application.

(r) To enforce systemwide education goals and policies except as otherwise provided by law.

(s) To establish a detailed procedure for the implementation and operation of a systemwide K-20 technology plan that is based on a common set of data definitions.

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(t) To establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(u) To adopt criteria and implementation plans for future growth issues, such as new community colleges and community college campus mergers, and to provide for cooperative agreements between and within public and private education sectors.

(v) To develop, in conjunction with the Board of Governors, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

(3)(a) The State Board of Education shall adopt a strategic plan that specifies goals and objectives for the state's public schools and community colleges. The plan shall be formulated in conjunction with plans of the Board of Governors in order to provide for the roles of the universities and community colleges to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify mission statements and identify degree programs to be offered at each community college in accordance with the objectives provided in this subsection. The strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the plan.

(b) The State Board of Education and the Board of Governors shall jointly develop long-range plans and annual reports for financial aid in this state. The long-range plans shall establish goals and objectives for a comprehensive program of financial aid for Florida students and shall be updated every 5 years. The annual report shall include programs administered by the department as well as awards made from financial aid fee revenues, any other funds appropriated by the Legislature for financial assistance, and the value of tuition and fees waived for students enrolled in a dual enrollment course at a public postsecondary educational institution. The annual report shall include an assessment of progress made in achieving goals and objectives established in the long-range plans and recommendations for repealing or modifying existing financial aid programs or establishing new programs. A long-range plan shall be submitted by January 1, 2004, and every 5 years thereafter. An annual report shall be submitted on January 1, 2004, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

(4) The State Board of Education shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Specify, by rule, procedures to be used by the community college boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees.

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(c) Establish, in conjunction with the Board of Governors, an effective information system that will provide composite data concerning the community colleges and state universities and ensure that special analyses and studies concerning the institutions are conducted, as necessary, for provision of accurate and cost-effective information concerning the institutions.

(d) Establish criteria for making recommendations for modifying district boundary lines for community colleges.

(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges.

(f) Examine the annual administrative review of each community college.

(g) Specify, by rule, the college credit courses that may be taken by community college students concurrently enrolled in college-preparatory instruction.

(h) Adopt and submit to the Legislature a 3-year list of priorities for fixed-capital-outlay projects. The State Board of Education may not amend the 3-year list of priorities of the Board of Governors.

(5) The State Board of Education is responsible for reviewing and administering the state program of support for the community colleges and, subject to existing law, shall establish the tuition and out-of-state fees for college-preparatory instruction and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(6) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.

(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.

2. Require all of the credits accepted for the associate in arts degree to be in the statewide course

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numbering system as credits toward a baccalaureate degree offered by a state university or a community college.

3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level courses at a community college. An agreement may provide for concurrent enrollment at the community college and the state university and may authorize the community college to offer an upper-division-level course or distance learning.

(e) Student admissions, conduct and discipline, nonclassroom activities, and fees.

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.

History.--s. 20, ch. 2002-387; s. 68, ch. 2007-217.

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1001.03 Specific powers of State Board of Education.--

- (1) PUBLIC K-12 CURRICULAR STANDARDS.--The State Board of Education shall adopt and periodically review and revise the Sunshine State Standards in accordance with s. [1003.41](#).
- (2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF EDUCATION.--The State Board of Education shall govern issues relating to use of property, facilities, and personal services between the Department of Education and its direct-support organization and shall certify that the organization operates at all times in a manner consistent with the goals and best interest of the department, pursuant to s. [1001.24](#).
- (3) PROFESSIONAL CERTIFICATES.--The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service, as described in chapter 1012. The state board shall adopt rules that give part-time and full-time nondegreed teachers of career programs, pursuant to s. [1012.39\(1\)\(c\)](#), the opportunity to earn a reading credential equivalent to a content-area-specific reading endorsement.
- (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State Board of Education shall ensure that not-for-profit, professional teacher associations that offer membership to all teachers, noninstructional personnel, and administrators, and that offer teacher training and staff development at no fee to the district, shall be given equal access to voluntary teacher meetings, be provided access to teacher mailboxes for distribution of professional literature, and be authorized to collect voluntary membership fees through payroll deduction.
- (5) IDENTIFICATION OF CRITICAL TEACHER SHORTAGE AREAS.--The State Board of Education shall identify critical teacher shortage areas pursuant to s. [1012.07](#).
- (6) CAPITAL OUTLAY BOND AND MOTOR VEHICLE TAX ANTICIPATION CERTIFICATE RESOLUTIONS.--The State Board of Education shall issue bonds and approve resolutions regarding the expenditure of funds for capital projects and purposes pursuant to the State Constitution and other applicable law.
- (7) ARTICULATION ACCOUNTABILITY.--The State Board of Education shall develop articulation

accountability measures that assess the status of systemwide articulation processes, in conjunction with the Board of Governors regarding the State University System, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008, in conjunction with the Board of Governors regarding the State University System.

(8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education shall enforce compliance with law and state board rule by all school districts and public postsecondary educational institutions, except for the State University System, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.--The State Board of Education, in conjunction with the Board of Governors regarding the State University System, shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public K-20 education system as such databases existed on June 30, 2002.

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.--The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any community college or state university.

(11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY EDUCATION.--The State Board of Education shall adopt minimum standards relating to nonpublic postsecondary education and institutions, in accordance with the provisions of chapter 1005.

(12) COMMON POSTSECONDARY DEFINITIONS.--The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

(13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The State Board of Education shall provide for the cyclic review of all academic programs in community colleges at least every 7 years. Program reviews shall document how individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews shall inform strategic planning, program development, and budgeting decisions at the institutional level.

(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of Education shall maintain a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

(15) COMMUNITY COLLEGE BACCALAUREATE DEGREE PROGRAMS.--The State Board of Education shall provide for the review and approval of proposals by community colleges to offer baccalaureate degree programs pursuant to s. 1007.33. A community college, as defined in s. 1000.21, that is approved to offer baccalaureate degrees pursuant to s. 1007.33 remains under the authority of the State Board of Education and the community college's board of trustees.

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History.--s. 21, ch. 2002-387; s. 6, ch. 2006-74; s. 69, ch. 2007-217; s. 6, ch. 2007-246; s. 4, ch. 2008-235.

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1008.22 Student assessment program for public schools.--

(1) PURPOSE.--The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing the learning gains of all students and to inform parents of the educational progress of their public school children. The program must be designed to:

- (a) Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.
- (b) Provide data for making decisions regarding school accountability and recognition.
- (c) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard or special high school diploma.
- (d) Assess how well educational goals and curricular standards are met at the school, district, and state levels.
- (e) Provide information to aid in the evaluation and development of educational programs and policies.
- (f) Provide information on the performance of Florida students compared with that of other students across the United States.

(2) NATIONAL EDUCATION COMPARISONS.--It is Florida's intent to participate in the measurement of national educational goals. The Commissioner of Education shall direct Florida school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. The assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or similar program being administered in Florida. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or similar program shall be in addition to and separate from the administration of the statewide assessment program.

(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall design and implement a statewide

program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The commissioner may enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in 1 fiscal year and continue into the next and may be paid from the appropriations of either or both fiscal years. The commissioner is authorized to negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials developed pursuant to law. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit proposed Next Generation Sunshine State Standards to the State Board of Education for adoption and periodic review and revision under s. 1003.41.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 1008.385 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program to measure a student's content knowledge and skills in reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. Comprehensive assessments of reading and mathematics shall be administered annually in grades 3 through 10. Comprehensive assessments of writing and science shall be administered at least once at the elementary, middle, and high school levels. End-of-course assessments for a subject may be administered in addition to the comprehensive assessments required for that subject under this paragraph. An end-of-course assessment must be rigorous, statewide, standardized, and developed or approved by the department. The content knowledge and skills assessed by comprehensive and end-of-course assessments must be aligned to the core curricular content established in the Sunshine State Standards. The commissioner may select one or more nationally developed comprehensive examinations, which may include, but need not be limited to, examinations for a College Board Advanced Placement course, International Baccalaureate course, or Advanced International Certificate of Education course or industry-approved examinations to earn national industry certifications as defined in s. 1003.492, for use as end-of-course assessments under this paragraph, if the commissioner determines that the content knowledge and skills assessed by the examinations meet or exceed the grade level expectations for the core curricular content established for the course in the Next Generation Sunshine State Standards. The commissioner may collaborate with the American Diploma Project in the adoption or development of rigorous end-of-course assessments that are aligned to the Next Generation Sunshine State Standards. The testing program must be designed as follows:

1. The tests shall measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels of all students assessed in reading, writing, mathematics, and science. The commissioner shall provide for the tests to

be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators, assistive technology experts, and the public.

2. The testing program shall be composed of criterion-referenced tests that shall, to the extent determined by the commissioner, include test items that require the student to produce information or perform tasks in such a way that the core content knowledge and skills he or she uses can be measured.

3. Beginning with the 2008-2009 school year, the commissioner shall discontinue administration of the selected-response test items on the comprehensive assessments of writing. Beginning with the 2012-2013 school year, the comprehensive assessments of writing shall be composed of a combination of selected-response test items, short-response performance tasks, and extended-response performance tasks, which shall measure a student's content knowledge of writing, including, but not limited to, paragraph and sentence structure, sentence construction, grammar and usage, punctuation, capitalization, spelling, parts of speech, verb tense, irregular verbs, subject-verb agreement, and noun-pronoun agreement.

4. A score shall be designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Except as provided in s. 1003.428(8)(b) or s. 1003.43(11)(b), students must earn a passing score on the grade 10 assessment test described in this paragraph or attain concordant scores as described in ¹subsection (10) in reading, writing, and mathematics to qualify for a standard high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall apply only to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. A parent must provide signed consent for a student to receive classroom instructional accommodations that would not be available or permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such instructional accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable in the administration of the FCAT. However, instructional accommodations are allowable in the classroom if included in a student's individual education plan.

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Students using instructional accommodations in the classroom that are not allowable as accommodations on the FCAT may have the FCAT requirement waived pursuant to the requirements of s. 1003.428(8)(b) or s. 1003.43(11)(b).

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the core curricular content established in the Next Generation Sunshine State Standards adopted under s. 1003.41, including the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. If a student is provided with instructional accommodations in the classroom that are not allowable as accommodations in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and mathematics. The commissioner shall conduct studies as necessary to verify that the required core curricular content is part of the district instructional programs.

9. District school boards must provide opportunities for students to demonstrate an acceptable level of performance on an alternative standardized assessment approved by the State Board of Education following enrollment in summer academies.

10. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the core curricular content established in the Sunshine State Standards.

11. For students seeking a special diploma pursuant to s. 1003.438, the Department of Education must develop or select and implement an alternate assessment tool that accurately measures the core curricular content established in the Sunshine State Standards for students with disabilities under s. 1003.438.

12. The Commissioner of Education shall establish schedules for the administration of statewide assessments and the reporting of student test results. The commissioner shall, by August 1 of each year, notify each school district in writing and publish on the department's Internet website the testing and reporting schedules for, at a minimum, the school year following the upcoming school year. The testing and reporting schedules shall require that:

a. There is the latest possible administration of statewide assessments and the earliest possible reporting to the school districts of student test results which is feasible within available technology and specific appropriations; however, test results must be made available no later than the final day of the regular school year for students.

b. Beginning with the 2010-2011 school year, a comprehensive statewide assessment of writing is not administered earlier than the week of March 1 and a comprehensive statewide assessment of any other subject is not administered earlier than the week of April 15.

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c. A statewide standardized end-of-course assessment is administered within the last 2 weeks of the course.

The commissioner may, based on collaboration and input from school districts, design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state, including the measurement of educational achievement of the Sunshine State Standards for students with disabilities. Development and refinement of assessments shall include universal design principles and accessibility standards that will prevent any unintended obstacles for students with disabilities while ensuring the validity and reliability of the test. These principles should be applicable to all technology platforms and assistive devices available for the assessments. The field testing process and psychometric analyses for the statewide assessment program must include an appropriate percentage of students with disabilities and an evaluation or determination of the effect of test items on such students.

(d) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, score, or report the results of, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

(e) Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement by grade level and overall student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

(f) Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(g) Study the cost and student achievement impact of secondary end-of-course assessments, including web-based and performance formats, and report to the Legislature prior to implementation.

(4) STATEWIDE ASSESSMENT PREPARATION; PROHIBITED ACTIVITIES.--Beginning with the 2008-2009 school year, a district school board shall prohibit each public school from suspending a regular program of curricula for purposes of administering practice tests or engaging in other test-preparation activities for a statewide assessment. However, a district school board may authorize a public school to engage in the following test-preparation activities for a statewide assessment:

(a) Distributing to students the sample test books and answer keys published by the Department of Education.

(b) Providing individualized instruction in test-taking strategies, without suspending the school's regular program of curricula, for a student who scores at Level 1 or Level 2 on a prior administration of the statewide assessment.

(c) Providing individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curricula, for a student who scores at Level 1 or Level 2 on a prior

administration of the statewide assessment or a student who, through a diagnostic assessment administered by the school district, is identified as having a deficiency in the content knowledge and skills assessed.

(d) Incorporating test-taking exercises and strategies into curricula for intensive reading and mathematics intervention courses.

(e) Administering a practice test or engaging in other test-preparation activities for the statewide assessment which are determined necessary to familiarize students with the organization of the assessment, the format of the test items, and the test directions, or which are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education with specific reference to this paragraph.

(5) DISTRICT TESTING PROGRAMS.--Each district school board shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based on the core curricular content established in the Next Generation Sunshine State Standards and any local goals and objectives that are compatible with the state plan for education and that supplement the core content knowledge and skills necessary for successful grade-to-grade progression and high school graduation. All school districts must participate in the statewide assessment program designed to measure annual student learning and school performance. All district school boards shall report assessment results as required by the state management information system.

(6) SCHOOL TESTING PROGRAMS.--Each public school shall participate in the statewide assessment program in accordance with the testing and reporting schedules published by the Commissioner of Education under subparagraph (3)(c)12. unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 1008.385 and the development of the programs of remediation.

(7) REQUIRED ANALYSES.--The commissioner shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(a) The statistical system for the annual assessments shall use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement compared to the current year achievement for the purposes of accountability and recognition.

(b) The statistical system shall provide the best estimates of teacher, school, and school district effects on student progress. The approach used by the department shall be approved by the commissioner before implementation.

(c) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(8) LOCAL ASSESSMENTS.--Measurement of the learning gains of students in all subjects and grade levels other than subjects and grade levels required for the state student achievement testing program is the responsibility of the school districts.

(9) APPLICABILITY OF TESTING STANDARDS.--

(a) If the Commissioner of Education revises a statewide assessment and the revisions require the State Board of Education to modify the assessment's proficiency levels or modify the passing scores required for a standard high school diploma, until the state board adopts the modifications by rule, the commissioner shall use calculations for scoring the assessment which adjust student scores on the revised assessment for statistical equivalence to student scores on the former assessment.

(b) A student must attain the passing scores on the statewide assessment required for a standard high school diploma which are in effect at the time the student enters grade 9 if the student's enrollment is continuous.

(c) If the commissioner revises a statewide assessment and the revisions require the State Board of Education to modify the passing scores required for a standard high school diploma, the commissioner may, with approval of the state board, discontinue administration of the former assessment upon the graduation, based on normal student progression, of students participating in the final regular administration of the former assessment. The state board shall adopt by rule passing scores for the revised assessment which are statistically equivalent to passing scores on the discontinued assessment for a student required under paragraph (b) to attain passing scores on the discontinued assessment.

(10) CONCORDANT SCORES FOR THE FCAT.--

(a) The State Board of Education shall analyze the content and concordant data sets for widely used high school achievement tests, including, but not limited to, the PSAT, PLAN, SAT, ACT, and College Placement Test, to assess if concordant scores for FCAT scores can be determined for high school graduation, college placement, and scholarship awards. In cases where content alignment and concordant scores can be determined, the Commissioner of Education shall adopt those scores as meeting the graduation requirement in lieu of achieving the FCAT passing score and may adopt those scores as being sufficient to achieve additional purposes as determined by rule. Each time that test content or scoring procedures change for the FCAT or for a high school achievement test for which a concordant score is determined, new concordant scores must be determined.

(b) In order to use a concordant subject area score pursuant to this subsection to satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a), s. 1003.43(5)(a), or s. 1003.428, a student must take each subject area of the grade 10 FCAT a total of three times without earning a passing score. The requirements of this paragraph shall not apply to a new student who enters the Florida public school system in grade 12, who may either achieve a passing score on the FCAT or use an approved subject area concordant score to fulfill the graduation requirement.

(c) The State Board of Education may define by rule the allowable uses, other than to satisfy the high school graduation requirement, for concordant scores as described in this subsection. Such uses may include, but need not be limited to, achieving appropriate standardized test scores required for the awarding of Florida Bright Futures Scholarships and college placement.

(11) **REPORTS.**--The Department of Education shall annually provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following:

(a) Longitudinal performance of students in mathematics and reading.

(b) Longitudinal performance of students by grade level in mathematics and reading.

(c) Longitudinal performance regarding efforts to close the achievement gap.

(d) Other student performance data based on national norm-referenced and criterion-referenced tests, when available, and numbers of students who after 8th grade enroll in adult education rather than other secondary education.

(12) **RULES.**--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

History.--s. 368, ch. 2002-387; s. 7, ch. 2003-8; s. 2, ch. 2003-413; s. 49, ch. 2004-41; s. 3, ch. 2004-42; s. 5, ch. 2004-271; s. 40, ch. 2006-74; s. 174, ch. 2007-5; s. 7, ch. 2008-142; s. 18, ch. 2008-235.

¹**Note.**--Substituted by the editors for a reference to subsection (9) to conform to the redesignation of subsection (9) as subsection (10) by s. 18, ch. 2008-235.

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office. The Governor may remove from office any member for cause.

History.--s. 251, ch. 2002-387; s. 99, ch. 2004-357.

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- (g) Cooperate with other state and federal agencies and other nongovernmental agencies in administering its duties.
 - (h) Cause to be investigated criminal justice information, as defined in s. 943.045, for each owner, administrator, and agent employed by an institution applying for licensure from the commission.
 - (i) Serve as a central agency for collecting and distributing current information regarding institutions licensed by the commission.
 - (j) Inform independent postsecondary educational institutions of laws adopted by the Legislature and rules adopted by the State Board of Education and the commission and of their responsibility to follow those laws and rules.
 - (k) Establish and publicize the procedures for receiving and responding to complaints from students, faculty, and others concerning institutions or programs under the purview of the commission, and keep records of such complaints in order to determine the frequency and nature of complaints with respect to specific institutions of higher education.
 - (l) Provide annually to the Office of Student Financial Assistance of the Department of Education information and documentation that can be used to determine an institution's eligibility to participate in state student financial assistance programs.
 - (m) Coordinate and convey annual reports to the Commissioner of Education relating to campus crime statistics, the assessment of physical plant safety, and the antihazing policies of nonpublic postsecondary educational institutions eligible to receive state-funded student assistance, as required by law.
 - (n) Identify and report to the Office of Student Financial Assistance the accrediting associations recognized by the United States Department of Education which have standards that are comparable to the minimum standards required to operate an institution at that level in this state.
 - (o) Assure that an institution is not required to operate without a current license because of the schedule of commission meetings or application procedures, if the institution has met the commission's requirements for licensure or license renewal.
- (2) The commission may:
- (a) Sue or be sued.
 - (b) Enter into contracts with the Federal Government, with other departments of the state, or with individuals.
 - (c) Receive bequests and gifts, subject to any restrictions upon which the commission and the donor agree.

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- (d) Appoint standing or special committees to assist it in carrying out its responsibilities. Committees may include members who are not commission members or representatives of licensed postsecondary institutions.
- (e) Advise the Governor, the Legislature, the State Board of Education, and the Commissioner of Education on issues relating to private postsecondary education.
- (f) Delegate to the chairperson of the commission the responsibility for signing final orders.
- (g) Assist independent postsecondary educational institutions in formulating articulation agreements with public and other independent institutions.
- (h) Establish and operate additional offices in the central and southern part of the state if the concentration of licensed institutions renders such an office economically feasible.
- (i) Establish and administer the Student Protection Fund pursuant to s. 1005.37.

History.--s. 252, ch. 2002-387; s. 104, ch. 2007-217.

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1009.94 Student financial assistance database.--

(1) The Department of Education shall design and maintain a student financial assistance database that can be used to support all aspects of the administration and delivery of state-funded student financial aid. In addition, the database must have the capability of providing policymakers with comprehensive information regarding the various financial assistance programs available to students attending Florida postsecondary education institutions.

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

(a) For all students, any scholarship, grant, loan, fee waiver, tuition assistance payment, or other form of compensation provided from state or federal funds.

(b) For students attending public institutions, any scholarship, grant, loan, fee waiver, tuition assistance payment, or other form of compensation supported by institutional funds.

(3) The database must include records on any student receiving any form of financial assistance as described in subsection (2). Institutions participating in any state financial assistance program shall annually submit such information to the Department of Education in a format prescribed by the department and consistent with the provisions of s. 1002.22.

History.--s. 477, ch. 2002-387.

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student achievement.

2. The Board of Governors of the State University System establish performance measures and set performance standards for individual state universities, including actual completion rates.

(2) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

(a) The mission of Florida's K-20 education system shall be to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.

(b) The process for establishing state and sector-specific standards and measures must be:

1. Focused on student success.
2. Addressable through policy and program changes.
3. Efficient and of high quality.
4. Measurable over time.
5. Simple to explain and display to the public.
6. Aligned with other measures and other sectors to support a coordinated K-20 education system.

(c) The Department of Education shall maintain an accountability system that measures student progress toward the following goals:

1. Highest student achievement, as indicated by evidence of student learning gains at all levels.
2. Seamless articulation and maximum access, as measured by evidence of progression, readiness, and access by targeted groups of students identified by the Commissioner of Education.
3. Skilled workforce and economic development, as measured by evidence of employment and earnings.
4. Quality efficient services, as measured by evidence of return on investment.
5. Other goals as identified by law or rule.

(3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.--To provide data required to implement education performance accountability measures in state and federal law, the Commissioner of Education shall initiate and maintain strategies to improve data quality and timeliness. All data collected from state universities shall, as determined by the commissioner, be integrated into the K-20 data warehouse. The commissioner shall have unlimited access to such data solely for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation.

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All public educational institutions shall provide data to the K-20 data warehouse in a format specified by the commissioner.

(a) School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education, the Board of Governors of the State University System, and the Legislature with information and reports necessary to address the specifications of the accountability system. The level of comprehensiveness and quality shall be no less than that which was available as of June 30, 2001.

(b) The Commissioner of Education shall determine the standards for the required data, monitor data quality, and measure improvements. The commissioner shall report annually to the State Board of Education, the Board of Governors of the State University System, the President of the Senate, and the Speaker of the House of Representatives data quality indicators and ratings for all school districts and public postsecondary educational institutions.

(c) Before establishing any new reporting or data collection requirements, the Commissioner of Education shall utilize existing data being collected to reduce duplication and minimize paperwork.

(4) RULES.--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section relating to the K-20 data warehouse.

History.--s. 375, ch. 2002-387; s. 1, ch. 2003-80; s. 13, ch. 2005-56; s. 44, ch. 2006-74; s. 20, ch. 2008-235.

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1001.452 District and school advisory councils.--

(1) ESTABLISHMENT.--

(a) The district school board shall establish an advisory council for each school in the district and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of ss. [1001.42\(18\)](#) and [1008.345](#). A majority of the members of each school advisory council must be persons who are not employed by the school district. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Career center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of career centers and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The district school board shall establish procedures to be used by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools are strongly encouraged to establish school

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advisory councils, the district school board of any school district that has a student population of 10,000 or fewer may establish a district advisory council which includes at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" includes classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 1012.01 and whose duties require 20 or more hours in each normal working week.

(b) The district school board may establish a district advisory council representative of the district and composed of teachers, students, parents, and other citizens or a district advisory council that may be comprised of representatives of each school advisory council. Recognized schoolwide support groups that meet all criteria established by law or rule may function as school advisory councils.

(c) For those schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, district school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan that encompasses all such schools in the district, pursuant to s. 1001.42(18)(a).

(d) Each school advisory council shall adopt bylaws establishing procedures for:

1. Requiring a quorum to be present before a vote may be taken by the school advisory council. A majority of the membership of the council constitutes a quorum.
2. Requiring at least 3 days' advance notice in writing to all members of the advisory council of any matter that is scheduled to come before the council for a vote.
3. Scheduling meetings when parents, students, teachers, businesspersons, and members of the community can attend.
4. Replacing any member who has two unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws.
5. Recording minutes of meetings.

The district school board may review all proposed bylaws of a school advisory council and shall maintain a record of minutes of council meetings.

(2) DUTIES.--Each advisory council shall perform functions prescribed by regulations of the district school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(18). With technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 1008.385(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school

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improvement plan.

History.--s. 1, ch. 2002-49; s. 59, ch. 2002-387; s. 73, ch. 2004-357; s. 10, ch. 2008-108; s. 5, ch. 2008-235.

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1001.28 Distance learning duties.--The duties of the Department of Education concerning distance learning include, but are not limited to, the duty to:

- (1) Facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.
- (2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders on the education satellites, the SUNCOM Network, the Florida Information Resource Network (FIRN), the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.
- (3) Assist in the coordination of the utilization of the production and uplink capabilities available through Florida's public television stations, eligible facilities, independent colleges and universities, private firms, and others as needed.
- (4) Seek the assistance and cooperation of Florida's cable television providers in the implementation of the statewide advanced telecommunications services and distance learning network.
- (5) Seek the assistance and cooperation of Florida's telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.
- (6) Coordinate partnerships for development, acquisition, use, and distribution of distance learning.
- (7) Secure and administer funding for programs and activities for distance learning from federal, state, local, and private sources and from fees derived from services and materials.
- (8) Manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the public education distance learning in this state based upon an allocation formula of one-third to the Department of Education, one-third to community colleges, and one-third to state universities.
- (9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 110

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and is included in the Senior Management Service in accordance with s. 110.205.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, the Board of Governors, or the State Board of Education.

History.--s. 34, ch. 2002-387; s. 73, ch. 2007-217.

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1001.10 Commissioner of Education; general powers and duties.--

(1) The Commissioner of Education is the chief educational officer of the state and the sole custodian of the K-20 data warehouse, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the K-20 education system except for the State University System.

(2) The commissioner's office shall operate all statewide functions necessary to support the State Board of Education, including strategic planning and budget development, general administration, assessment, and accountability.

(3) To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. [1012.42](#); public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year.

(4) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. [220.187](#) or s. [1002.39](#) in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. [1012.01](#).

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. [220.187](#) or s. [1002.39](#) with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

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(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

(6) Additionally, the commissioner has the following general powers and duties:

(a) To organize and name the structural units of the Department of Education and appoint staff necessary to carry out duties and functions of the department in a manner that meets legislative intent and promotes both efficiency and accountability.

(b) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.

(c) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.

(d) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.

(e) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.

(f) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.

(g) To submit to the State Board of Education, on or before October 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the Board of Governors, the State Board of Education, including the Department of Education and the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the Board of Governors or the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(h) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes. The Commissioner of Education shall submit to the Legislature the proposed state plan for the reauthorization of the No Child Left Behind Act before the proposed plan is submitted to federal

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agencies. The President of the Senate and the Speaker of the House of Representatives shall appoint members of the appropriate education and appropriations committees to serve as a select committee to review the proposed plan.

(i) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.

(j) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(k) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

1. The district school board is responsible for school and student performance.
2. The individual school is the unit for education accountability.
3. The community college board of trustees is responsible for community college performance and student performance.

(l) To maintain a Citizen Information Center responsible for the preparation, publication, and dissemination of user-friendly materials relating to the state's education system, including the state's K-12 scholarship programs and the Voluntary Prekindergarten Education Program.

(m) To prepare and publish annually reports giving statistics and other useful information pertaining to the state's K-12 scholarship programs and the Voluntary Prekindergarten Education Program.

(n) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(o) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(p) To prescribe procedures for evaluating instructional materials submitted by publishers and

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manufacturers in each adoption.

(q) To enter into agreement with Space Florida to develop innovative aerospace-related education programs that promote mathematics and science education for grades K-20.

History.--s. 23, ch. 2002-387; s. 67, ch. 2006-60; s. 7, ch. 2006-74; s. 70, ch. 2007-217; s. 3, ch. 2007-234; s. 7, ch. 2008-108.

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1001.11 Commissioner of Education; other duties.--

(1) The Commissioner of Education must independently perform the following duties:

- (a) Cooperate with and coordinate responses to requests from the members of the Legislature.
- (b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education and the K-20 education system.
- (c) In cooperation with the Board of Governors, develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for qualified postsecondary education projects.
- (d) Integrally work with the boards of trustees of the community colleges.
- (e) Monitor the activities of the State Board of Education and provide information related to current and pending policies to the members of the boards of trustees of the community colleges and state universities.
- (f) Ensure the timely provision of information requested by the Legislature from the State Board of Education, the commissioner's office, and the Department of Education.

(2) The Commissioner of Education shall annually report the state's educational performance on state and national measures and shall recommend to the State Board of Education performance goals addressing the educational needs of the state.

(3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, and the Board of Governors regarding the State University System, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:

- (a) Growth at the institutions.
- (b) Need for specific skills statewide.

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(c) Need for maintaining and repairing existing facilities.

(4) The commissioner shall develop and implement an integrated K-20 information system for educational management in accordance with the requirements of chapter 1008.

(5) The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, in accordance with the requirements of chapter 1008.

(6) The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, in accordance with the requirements of chapter 1008.

(7) The commissioner shall make prominently available on the department's website the following: links to the Internet-based clearinghouse for professional development regarding physical education; the school wellness and physical education policies and other resources required under s. 1003.453(1) and (2); and other Internet sites that provide professional development for elementary teachers of physical education as defined in s. 1003.01(16). These links must provide elementary teachers with information concerning current physical education and nutrition philosophy and best practices that result in student participation in physical activities that promote lifelong physical and mental well-being.

History.--s. 24, ch. 2002-387; s. 1, ch. 2007-28; s. 71, ch. 2007-217; s. 173, ch. 2008-4.

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1003.438 Special high school graduation requirements for certain exceptional students.--A student who has been identified, in accordance with rules established by the State Board of Education, as a student with disabilities who has an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; or students who are deaf or hard of hearing or dual sensory impaired shall not be required to meet all requirements of s. [1003.43](#) or s. [1003.428](#) and shall, upon meeting all applicable requirements prescribed by the district school board pursuant to s. [1008.25](#), be awarded a special diploma in a form prescribed by the commissioner; however, such special graduation requirements prescribed by the district school board must include minimum graduation requirements as prescribed by the commissioner. Any such student who meets all special requirements of the district school board, but is unable to meet the appropriate special state minimum requirements, shall be awarded a special certificate of completion in a form prescribed by the commissioner. However, this section does not limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. [1003.43](#) or s. [1003.428](#) through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

History.--s. 136, ch. 2002-387; s. 5, ch. 2008-204.

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1003.41 Sunshine State Standards.--

(1) Public K-12 educational instruction in Florida is based on the "Sunshine State Standards." The State Board of Education shall review the Sunshine State Standards and replace them with the Next Generation Sunshine State Standards that establish the core content of the curricula to be taught in this state and that specify the core content knowledge and skills that K-12 public school students are expected to acquire. The Next Generation Sunshine State Standards must, at a minimum:

(a) Establish the core curricular content for language arts, science, mathematics, and social studies, as follows:

1. Language arts standards must establish specific curricular content for, at a minimum, the reading process, literary analysis, the writing process, writing applications, communication, and information and media literacy. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The language arts standards for grades 9 through 12 may be organized by grade clusters of more than one grade level. The language arts standards must also identify significant literary genres and authors that encompass a comprehensive range of historical periods. The State Board of Education shall, in accordance with the expedited schedule established under subsection (2), review and replace the language arts standards adopted by the state board in 2007 with Next Generation Sunshine State Standards that comply with this subparagraph.

2. Science standards must establish specific curricular content for, at a minimum, the nature of science, earth and space science, physical science, and life science. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The science standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

3. Mathematics standards must establish specific curricular content for, at a minimum, algebra, geometry, probability, statistics, calculus, discrete mathematics, financial literacy, and trigonometry. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The mathematics standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

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4. Social studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, economics, and humanities. The standards must include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 8. The social studies standards for grades 9 through 12 may be organized by grade clusters of more than one grade level.

(b) Establish the core curricular content for visual and performing arts, physical education, health, and foreign languages. Standards for these subjects must establish specific curricular content and include distinct grade level expectations for the core content knowledge and skills that a student is expected to have acquired by each individual grade level from kindergarten through grade 5. The standards for grades 6 through 12 may be organized by grade clusters of more than one grade level.

(c) Identify the core curricular content that a student is expected to learn for each subject at each individual grade level in order to acquire the broad background knowledge needed for reading comprehension.

(d) Be rigorous and relevant and provide for the logical, sequential progression of core curricular content that incrementally increases a student's core content knowledge and skills over time.

(e) Integrate critical-thinking and problem-solving skills; communication, reading, and writing skills; mathematics skills; collaboration skills; contextual and applied-learning skills; technology-literacy skills; information and media-literacy skills; and civic-engagement skills.

(f) Be organized according to a uniform structure and format that is consistent for each subject. The Next Generation Sunshine State Standards shall, for each subject and grade level, use the same alphanumeric coding system.

(g) Be aligned to expectations for success in postsecondary education and high-skill, high-wage employment.

(2) By December 31, 2008, the State Board of Education shall establish an expedited schedule for adoption of the Next Generation Sunshine State Standards and shall establish by rule a schedule for the periodic review and revision of the standards. The state board shall adopt the Next Generation Sunshine State Standards for each subject by December 31, 2011.

(3)(a) The Commissioner of Education shall develop and submit to the State Board of Education proposed Next Generation Sunshine State Standards, and periodically submit proposed revisions to the standards, for adoption by the state board according to the schedules established under subsection (2). The commissioner, in developing the proposed standards, shall consult with renowned experts on K-12 curricular standards and content in each subject listed in paragraphs (1)(a) and (b) and shall consider standards that are implemented by other states or nations and regarded as exceptionally rigorous by the curricular and content experts. The commissioner may also consult with curricular and content experts in other subjects.

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(b) The commissioner shall submit the proposed standards for review and comment by Florida educators, school administrators, representatives of community colleges and state universities who have expertise in the content knowledge and skills necessary to prepare a student for postsecondary education, and leaders in business and industry. The commissioner, after considering any comments and making any revisions to the proposed standards, shall submit the standards for written evaluation by renowned experts on K-12 curricular standards and content.

(c) The commissioner, upon finalizing the proposed standards, shall submit the standards and evaluations by the curricular and content experts to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 21 days before the State Board of Education considers adoption of the proposed standards.

(4) The State Board of Education may adopt rules under ss. [120.536\(1\)](#) and [120.54](#) to administer this section.

History.--s. 130, ch. 2002-387; s. 1, ch. 2008-235.

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1008.25 Public school student progression; remedial instruction; reporting requirements.--

(1) **INTENT.**--It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon proficiency in reading, writing, science, and mathematics; that district school board policies facilitate such proficiency; and that each student and his or her parent be informed of that student's academic progress.

(2) **COMPREHENSIVE PROGRAM.**--Each district school board shall establish a comprehensive program for student progression which must include:

(a) Standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.

(b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.

(c) Appropriate alternative placement for a student who has been retained 2 or more years.

(3) **ALLOCATION OF RESOURCES.**--District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students who are deficient in reading by the end of grade 3.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in paragraph (2)(b).

(4) **ASSESSMENT AND REMEDIATION.**--

(a) Each student must participate in the statewide assessment tests required by s. [1008.22](#). Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who scores below Level 3 in reading or math, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and

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instruction as described in paragraph (b).

(b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency in reading and math shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:

1. A federally required student plan such as an individual education plan;
2. A schoolwide system of progress monitoring for all students; or
3. An individualized progress monitoring plan.

The plan chosen must be designed to assist the student or the school in meeting state and district expectations for proficiency. If the student has been identified as having a deficiency in reading, the K-12 comprehensive reading plan required by s. 1011.62(9) shall include instructional and support services to be provided to meet the desired levels of performance. District school boards may require low-performing students to attend remediation programs held before or after regular school hours or during the summer if transportation is provided.

(c) Upon subsequent evaluation, if the documented deficiency has not been remediated, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

(a) It is the ultimate goal of the Legislature that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) Beginning with the 2002-2003 school year, if the student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the statewide assessment test in reading for grade 3, the student must be retained.

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(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.
2. A description of the current services that are provided to the child.
3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.
5. Strategies for parents to use in helping their child succeed in reading proficiency.
6. That the Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.
7. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.--

(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.
4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

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5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive remediation in reading for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive remediation in reading for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing progress monitoring plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

(a) Students retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

(b) Beginning with the 2004-2005 school year, each school district shall:

1. Conduct a review of student progress monitoring plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive

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instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

- a. Small group instruction.
 - b. Reduced teacher-student ratios.
 - c. More frequent progress monitoring.
 - d. Tutoring or mentoring.
 - e. Transition classes containing 3rd and 4th grade students.
 - f. Extended school day, week, or year.
 - g. Summer reading camps.
3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(15) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.
4. Implement a policy for the midyear promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.
5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.
6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:
- a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.
 - b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building

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Better Readers Workshops" and regular parent-guided home reading.

c. A mentor or tutor with specialized reading training.

7. Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:

a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

b. Be provided during regular school hours in addition to the regular reading instruction.

c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:

(I) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.

(II) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(III) Provides scientifically based and reliable assessment.

(IV) Provides initial and ongoing analysis of each student's reading progress.

(V) Is implemented during regular school hours.

(VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

8. Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and

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incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

f. Include weekly progress monitoring measures to ensure progress is being made.

g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

(8) ANNUAL REPORT.--

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

(b) Each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

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4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

(c) The Department of Education shall establish a uniform format for school districts to report the information required in paragraph (b). The format shall be developed with input from district school boards and shall be provided not later than 90 days prior to the annual due date. The department shall annually compile the information required in subparagraphs (b)2., 3., and 4., along with state-level summary information, and report such information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(9) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

(a) The State Board of Education shall have authority as provided in s. 1008.32 to enforce this section.

(b) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the administration of this section.

(10) TECHNICAL ASSISTANCE.--The department shall provide technical assistance as needed to aid district school boards in administering this section.

History.--s. 371, ch. 2002-387; s. 8, ch. 2003-118; s. 6, ch. 2004-42; s. 6, ch. 2004-255; s. 119, ch. 2006-1; s. 42, ch. 2006-74; s. 186, ch. 2008-4.

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1002.69 Statewide kindergarten screening; kindergarten readiness rates.--

- (1) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. [1002.67\(1\)](#) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year.
- (2) The statewide kindergarten screening shall provide objective data concerning each student's readiness for kindergarten and progress in attaining the performance standards adopted by the department under s. [1002.67\(1\)](#).
- (3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.
- (4) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school or nonpublic school. Each school district shall designate sites to administer the statewide kindergarten screening for children admitted to kindergarten in a nonpublic school.
- (5) The State Board of Education shall adopt procedures for the department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year. The rates must not include students who are not administered the statewide kindergarten screening.
- (6)(a) The State Board of Education shall periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the Voluntary Prekindergarten Education Program.

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(b) The minimum rate must not exceed the rate at which more than 15 percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program in the state would fall below the minimum rate.

History.--s. 1, ch. 2004-484.

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1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.--

(1) This section may be referred to by the popular name the "Florida Partnership for Minority and Underrepresented Student Achievement Act."

(2)(a) The Legislature recognizes the importance of not only access to college but also success in college for all students. It is the intent of the Legislature that every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a particular focus on access to advanced courses.

(b) It is the intent of the Legislature to provide assistance to all public secondary schools, with a primary focus on low-performing middle and high schools.

(c) It is the intent of the Legislature that the partnership created in this section accomplish its mission primarily through strengthening the content knowledge of teachers and providing instructional resources, including materials and strategies, which enable teachers to provide instruction to students who have diverse learning styles.

(3) There is created the Florida Partnership for Minority and Underrepresented Student Achievement. The Department of Education may contract for operation of the partnership.

(4) The mission of the partnership is to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or Preliminary ACT (PLAN) to all enrolled 10th grade students. However, a written notice shall be provided to each parent that shall include the opportunity to exempt his or her child from taking the PSAT/NMSQT or PLAN.

(a) Test results will provide each high school with a database of student assessment data which guidance counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

(b) Funding for the PSAT/NMSQT or PLAN for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the PSAT/NMSQT or PLAN for districtwide administration.

(6) The partnership shall:

(a) Provide teacher training and professional development to enable teachers of AP or other advanced courses to have the necessary content knowledge and instructional skills to prepare students for success on AP or other advanced course examinations and mastery of postsecondary course content.

(b) Provide to middle school teachers and administrators professional development that will enable them to educate middle school students at the level necessary to prepare the students to enter high school ready to participate in advanced courses.

(c) Provide teacher training and materials that are aligned with the Sunshine State Standards and are consistent with best theory and practice regarding multiple learning styles and research on learning, instructional strategies, instructional design, and classroom assessment. Curriculum materials must be based on current, accepted, and essential academic knowledge. Materials for prerequisite courses should, at a minimum, address the skills assessed on the Florida Comprehensive Assessment Test (FCAT).

(d) Provide assessment of individual strengths and weaknesses as related to potential success in AP or other advanced courses and readiness for college.

(e) Provide college entrance exam preparation through a variety of means that may include, but are not limited to, training teachers to provide courses at schools; training community organizations to provide courses at community centers, faith-based organizations, and businesses; and providing online courses.

(f) Consider ways to incorporate community colleges in the mission of preparing all students for postsecondary success.

(g) Provide a plan for communication and coordination of efforts with the Florida Virtual School's provision of online AP or other advanced courses.

(h) Work with school districts to identify minority and underrepresented students for participation in AP or other advanced courses.

(i) Work with school districts to provide information to students and parents that explains available opportunities for students to take AP and other advanced courses and that explains enrollment procedures that students must follow to enroll in such courses. Such information must also explain the value of such courses as they relate to:

1. Preparing the student for postsecondary level coursework.
2. Enabling the student to gain access to postsecondary education opportunities.

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3. Qualifying for scholarships and other financial aid opportunities.

(j) Provide information to students, parents, teachers, counselors, administrators, districts, community colleges, and state universities regarding PSAT/NMSQT or PLAN administration, including, but not limited to:

1. Test administration dates and times.
2. That participation in the PSAT/NMSQT or PLAN is open to all grade 10 students.
3. The value of such tests in providing diagnostic feedback on student skills.
4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(k) Cooperate with the department to provide information to administrators, teachers, and counselors, whenever possible, about partnership activities, opportunities, and priorities.

(7) By May 31 of each year, the Department of Education shall approve a plan of delivery of services for the subsequent academic year.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or PLAN testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

(b) The department shall contribute to the evaluation process by providing access, consistent with s. 119.071(5)(a), to student and teacher information necessary to match against databases containing teacher professional development data and databases containing assessment data for the PSAT/NMSQT, SAT, AP, and other appropriate measures. The department shall also provide student-level data on student progress from middle school through high school and into college and the workforce, if available, in order to support longitudinal studies. The partnership shall analyze and report student performance data in a manner that protects the rights of students and parents as required in 20 U.S.C. s. 1232g and s. 1002.22.

(9)(a) Funding for the partnership shall be contingent upon annual funding in the General Appropriations Act.

(b) The participating partner, if one is chosen, is required to match at least one-third of the allocation

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provided to the partnership in the General Appropriations Act in materials and services to the program.

(10) The State Board of Education may adopt rules to administer this section.

(11) Nothing in this section shall prohibit any organization from partnering with the state to improve the college readiness of students.

History.--s. 1, ch. 2004-63; s. 53, ch. 2005-251; s. 2, ch. 2006-285; s. 1, ch. 2007-131.

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1012.225 Merit Award Program for Instructional Personnel and School-Based Administrators.--

(1) ELIGIBILITY.--

(a) In order to be eligible for funding under this section, a district school board must adopt a Merit Award Program plan that provides for an assessment and a merit award based on the performance of students assigned to the employee's classroom or school pursuant to paragraph (3)(a) or paragraph (3)(b). Charter schools may participate in the program by using the district's Merit Award Program plan or may adopt an alternative Merit Award Program plan as provided in paragraph (5)(b). All instructional personnel, as defined in s. [1012.01\(2\)\(a\)-\(d\)](#), and school-based administrators, as defined in s. [1012.01\(3\)\(c\)](#), are eligible as individuals or as instructional teams to receive merit awards, with the exception of substitute teachers. In order to receive a merit award as an instructional team under this section, team members must be assessed on the performance of students assigned to the team members' classrooms or within the members' academic sphere of responsibility. The district school board may not require instructional personnel or school-based administrators to apply for an award, or make any presentation, in order to be assessed for or receive a merit award. A plan is subject to negotiation as provided in chapter 447. The Department of Education may not distribute any portion of pro rata funding to a district, or to a district for a charter school within the district, if the district or charter school chooses not to adopt a Merit Award Program plan under this section. Undistributed funds shall be considered unobligated and shall revert to the fund from which the appropriation was made in accordance with s. [216.301](#).

(b) Funds appropriated for the Merit Award Program shall be released and distributed to eligible school districts on or before July 31 for distribution to eligible recipients by October 1 pursuant to paragraph (2)(a).

(2) PAY SUPPLEMENTS STRUCTURE.--Merit Award Program plans shall provide for the annual disbursement of merit-based pay supplements to high-performing employees in the manner described in this subsection.

(a) Each Merit Award Program plan must designate the top instructional personnel and school-based administrators to be outstanding performers and pay to each such employee who remains employed by a Florida public school or who retired after qualifying for the award, by October 1 of the following school year, a merit-based pay supplement of at least 5 percent of the average teacher's salary for that school district not to exceed 10 percent of the average teacher's salary for that school district. The amount of

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a merit award may not be based on length of service or base salary. Pay supplements shall be funded from moneys appropriated by the Legislature under this section and from any additional funds that are designated by the district for the Merit Award Program. School districts are not required to implement this section unless the program is specifically funded by the Legislature. By November 1 of each year, each school district shall provide documentation to the Department of Education concerning the expenditure of legislative appropriations for merit-based pay, and shall refund undisbursed appropriations to the department. If such undisbursed funds are not remitted to the department by November 1, the department shall withhold an equivalent amount from the district's allocation of appropriations made under s. 1011.62.

(b) A Merit Award Program plan may include additional pay supplements under this section for employees who manifest exemplary work attendance.

(c) Merit-based pay supplements shall be awarded in addition to any general increase or other adjustments to salaries which are made by a school district. An employee's eligibility for or receipt of merit-based pay supplements shall not adversely affect that employee's opportunity to qualify for or to receive any other compensation that is made generally available to other similarly situated district school board employees.

(3) ASSESSMENT.--

(a) The school district's assessment of an instructional personnel staff member must consider the performance of students assigned to his or her classroom or, in the case of co-teaching or team teaching, within his or her academic sphere of responsibility.

(b) The assessment of a school-based administrator must consider the performance of students assigned to his or her school.

(c) A district school board must evaluate student performance for purposes of this section based upon student academic proficiency or gains in learning or both, as measured by statewide standardized tests, or, for subjects and grades that are not measured by the statewide assessment program, by national, state, or district-determined testing instruments that measure the Sunshine State Standards, curriculum frameworks, or course descriptions for the content area assigned and grade level taught. This portion of the employee assessment shall be weighted at not less than 60 percent of the overall evaluation.

(d) For purposes of this section, measures adopted by the district school board to assess instructional personnel and school-based administrators must balance student performance based on academic proficiency and gains in learning so that top-performing eligible employees have an opportunity to receive an award under this section.

(e) Using assessment criteria adopted by the district school board, a professional practices component for the assessment of instructional personnel must be based on the principal's assessment of the instructional personnel and the assessment of school-based administrators must be based on the district superintendent's assessment of the administrator. This portion of the employee assessment shall be

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weighted at up to 40 percent of the overall evaluation. Performance-related assessment criteria adopted by the district school board for personnel assessments by principals and superintendents shall include:

1. The ability to maintain appropriate discipline.
2. The outstanding knowledge of subject matter, with the ability to plan and deliver high-quality instruction and the high-quality use of technology in the classroom.
3. The ability to use diagnostic and assessment data and design and to implement differentiated instructional strategies in order to meet individual student needs for remediation or acceleration.
4. The ability to establish and maintain a positive collaborative relationship with students' families for the purpose of increasing student achievement.
5. The Florida Educator Accomplished Practices and any other professional competencies, responsibilities, and requirements, as established by rules of the State Board of Education and policies of the district school board.
6. For school-based administrators, in addition to subparagraphs 1.-5.:
 - a. The ability to manage human, financial, and material resources so as to maximize the share of resources used for direct instruction, as opposed to overhead or other purposes; and
 - b. The ability to recruit and retain high-performing teachers.
7. Other appropriate factors identified by the district school board.

(4) DUTIES.--

(a) Each district school board shall inform its employees of the criteria and procedures associated with the school district's Merit Award Program plan.

(b)1. Upon request, the department shall provide technical assistance to school districts for the purpose of aiding the development of Merit Award Program plans. The advice and recommendations offered by the department under this paragraph are not subject to the requirements of chapter 120.

2. The department shall collect and disseminate best practices for district-determined testing instruments and Merit Award Program plans.

(5) REVIEW OF PERFORMANCE-BASED PAY PLANS.--

(a) Each participating district school board must submit its Merit Award Program plan to the Commissioner of Education for review by October 1 of each year. The plan must include the negotiated, district-adopted plan or charter school adopted plan if the district does not submit a plan intended for

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use in the following year. The commissioner shall complete a review of each plan submitted and determine compliance with the requirements of this section by November 15 of each year. If a submitted plan fails to meet the requirements of this section, the commissioner must identify in writing the specific revisions that are required. Revised plans must be finalized and resubmitted by a school district, or by a charter school if the district does not submit a plan, for the commissioner's review by January 31 of each year. The commissioner shall certify those school district or charter school plans that do not comply with this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year.

(b) Any charter school that does not follow the school district's salary schedule may adopt its own performance-based plan in accordance with this section. Charter school proposals shall be included with the school district plans or may be submitted independently if the district does not submit a plan.

(c) Each district school board shall establish a procedure to annually review both the assessment and compensation components of its plan in order to determine compliance with this section. After this review and by October 1 of each year, the district school board shall submit a report to the Commissioner of Education, along with supporting documentation that will enable the commissioner to verify the district's compliance with this section during the prior school year. The commissioner shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives certifying those school district or charter school plans that do not comply with this section or whose plans were not implemented in accordance with this section by December 1 of each year.

(d) For purposes of the 2007-2008 school year, the plan submitted as required in paragraph (a) applies to the 2007-2008 school year as well as the 2008-2009 school year. Thereafter, all plans submitted and approved within the timelines set forth in paragraph (a) apply to the following school year.

(e) Districts that do not have an approved plan for the 2008-2009 school year may submit a plan for the 2008-2009 school year by October 1, 2008.

(6) **SUBSEQUENT REVISIONS OF APPROVED PLANS.**--Any revision to an approved Merit Award Program plan must be approved by the district school board and reviewed by the commissioner to determine compliance with this section.

(7) **RULEMAKING.**--The State Board of Education shall adopt rules relating to the calculation of average teacher salaries per district, reporting formats, and the review of plan procedures pursuant to ss. [120.536\(1\)](#) and [120.54](#) for purposes of administering this section. The State Board of Education must initiate the rulemaking process within 30 days after this act becomes law.

History.--s. 1, ch. 2007-3; s. 9, ch. 2007-234; s. 6, ch. 2007-328; s. 13, ch. 2008-142.

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1012.56 Educator certification requirements.--

(1) APPLICATION.--Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to s. [1012.59](#) and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement is limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement. Pursuant to s. [120.60](#), the department shall issue within 90 calendar days after the stamped receipted date of the completed application:

(a) If the applicant meets the requirements, a professional certificate covering the classification, level, and area for which the applicant is deemed qualified and a document explaining the requirements for renewal of the professional certificate;

(b) If the applicant meets the requirements and if requested by an employing school district or an employing private school with a professional education competence demonstration program pursuant to ¹paragraphs (5)(f) and (7)(b), a temporary certificate covering the classification, level, and area for which the applicant is deemed qualified and an official statement of status of eligibility; or

(c) If an applicant does not meet the requirements for either certificate, an official statement of status of eligibility.

The statement of status of eligibility must advise the applicant of any qualifications that must be completed to qualify for certification. Each statement of status of eligibility is valid for 3 years after its date of issuance, except as provided in paragraph (2)(d).

(2) ELIGIBILITY CRITERIA.--To be eligible to seek certification, a person must:

(a) Be at least 18 years of age.

(b) File an affidavit that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that the information provided in the application is true, accurate, and complete. The affidavit shall be by original signature or by electronic authentication. The affidavit shall include substantially the following warning:

WARNING: Giving false information in order to obtain or renew a Florida educator's certificate is a criminal offense under Florida law. Anyone giving false information on this affidavit is subject to criminal prosecution as well as disciplinary action by the Education Practices Commission.

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas.

(d) Submit to background screening in accordance with ²subsection (9). If the background screening indicates a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the investigative section in the Department of Education for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the department within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(e) Be of good moral character.

(f) Be competent and capable of performing the duties, functions, and responsibilities of an educator.

(g) Demonstrate mastery of general knowledge, pursuant to subsection (3).

(h) Demonstrate mastery of subject area knowledge, pursuant to ³subsection (4).

(i) Demonstrate mastery of professional preparation and education competence, pursuant to ⁴subsection (5).

(3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on basic skills examination required by state board rule;

(b) Achievement of passing scores on the College Level Academic Skills Test earned prior to July 1, 2002;

(c) A valid professional standard teaching certificate issued by another state;

(d) A valid certificate issued by the National Board for Professional Teaching Standards or a national

educator credentialing board approved by the State Board of Education; or

(e) Documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program.

(4) ALIGNMENT OF SUBJECT AREAS.--As the Sunshine State Standards are replaced by the Next Generation Sunshine State Standards under s. 1003.41, the State Board of Education shall align the subject area examinations to the Next Generation Sunshine State Standards.

(5) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means of demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area examinations required by state board rule, which may include, but need not be limited to, world languages in Arabic, Chinese, Farsi, French, German, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, Russian, and Spanish;

(b) Completion of a bachelor's degree or higher and verification of the attainment of an oral proficiency interview score above the intermediate level and a written proficiency score above the intermediate level on a test administered by the American Council on the Teaching of Foreign Languages for which there is no Florida-developed examination;

(c) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which a subject area examination has not been developed and required by state board rule;

(d) Completion of the subject area specialization requirements specified in state board rule for a subject coverage requiring a master's or higher degree and achievement of a passing score on the subject area examination specified in state board rule;

(e) A valid professional standard teaching certificate issued by another state; or

(f) A valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education.

School districts are encouraged to provide mechanisms for those middle school teachers holding only a K-6 teaching certificate to obtain a subject area coverage for middle grades through postsecondary coursework or district add-on certification.

(6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.--Acceptable means of demonstrating mastery of professional preparation and education competence are:

- (a) Completion of an approved teacher preparation program at a postsecondary educational institution within this state and achievement of a passing score on the professional education competency examination required by state board rule;
- (b) Completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by state board rule;
- (c) A valid professional standard teaching certificate issued by another state;
- (d) A valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education;
- (e) Documentation of two semesters of successful teaching in a community college, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution of higher education identified by the Department of Education as having a quality program;
- (f) Completion of professional preparation courses as specified in state board rule, successful completion of a professional education competence demonstration program pursuant to ⁵paragraph (7)(b), and achievement of a passing score on the professional education competency examination required by state board rule;
- (g) Successful completion of a professional preparation alternative certification and education competency program, outlined in ⁶paragraph (7)(a); or
- (h) Successful completion of an alternative certification program pursuant to s. 1004.85 and achievement of a passing score on the professional education competency examination required by rule of the State Board of Education.

(7) TYPES AND TERMS OF CERTIFICATION.--

- (a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2).
- (b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to ³subsection (4) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.
- (c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language

impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

(8) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.--

(a) The Department of Education shall develop and each school district must provide a cohesive competency-based professional preparation alternative certification program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in this subsection and rules of the State Board of Education. Participants must hold a state-issued temporary certificate. A school district shall provide a competency-based alternative certification preparation program developed by the Department of Education or developed by the district and approved by the Department of Education. The program shall include the following components:

1. A minimum period of initial preparation prior to assuming duties as the teacher of record.
2. An option for collaboration between school districts and other supporting agencies for implementation.
3. Experienced peer mentors.
4. An assessment that provides for:
 - a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.
 - b. A postevaluation to assure successful completion of the program.
5. Professional education preparation content knowledge that includes, but is not limited to, the

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following:

- a. Requirements specified in state board rule for professional preparation.
 - b. The educator-accomplished practices approved by the state board.
 - c. A variety of data indicators for student progress.
 - d. Methodologies, including technology-based methodologies, for teaching subject content that supports the Sunshine State Standards for students.
 - e. Techniques for effective classroom management.
 - f. Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students.
 - g. Methodologies for assuring the ability of all students to read, write, and compute.
6. Required achievement of passing scores on the professional education competency examination required by state board rule.

(b) Each school district must and a state supported public school or a private school may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional education competence as required by law. Each program must be based on classroom application and instructional performance and must include a performance evaluation plan for documenting the demonstration of required professional education competence.

(9) EXAMINATIONS.--

(a) The Commissioner of Education, with the approval of the State Board of Education, may contract for developing, printing, administering, scoring, and appropriate analysis of the written examinations required.

(b) The State Board of Education shall, by rule, specify the examination scores that are required for the issuance of a professional certificate and temporary certificate. Such rules must define generic subject area competencies and must establish uniform evaluation guidelines.

(c) The State Board of Education shall designate the certification areas for subject area examinations. All required examinations may be taken prior to graduation.

(d) If an applicant takes an examination developed by this state and does not achieve the score necessary for certification, the applicant may review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(e) For any examination developed by this state, the Department of Education and the State Board of

Education shall maintain confidentiality of the examination, developmental materials, and workpapers, which are exempt from s. 119.07(1).

(f) The examinations used for demonstration of mastery of general knowledge, professional education competence, and subject area knowledge shall be aligned with student standards approved by the state board. The delivery system for these examinations shall provide for overall efficiency, user-friendly application, reasonable accessibility to prospective teachers, and prompt attainment of examination results. The examination of competency for demonstration of subject area knowledge shall be sufficiently comprehensive to assess subject matter expertise for individuals who have acquired subject knowledge either through college credit or by other means.

(g) All examination instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to this section shall be confidential and exempt from the provisions of s. 119.07(1) and from s. 1001.52. Provisions governing access to, maintenance of, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education.

(10) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.--

(a) Each person who seeks certification under this chapter must be fingerprinted and screened in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315. A person who has been screened in accordance with s. 1012.32 by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education, is not required to repeat the screening under this paragraph.

(b) A person may not receive a certificate under this chapter until the person's screening under s. 1012.32 is completed and the results have been submitted to the Department of Education or to the district school superintendent of the school district that employs the person. Every 5 years after obtaining initial certification, each person who is required to be certified under this chapter must be rescreened in accordance with s. 1012.32, at which time the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for federal criminal records checks. If, for any reason after obtaining initial certification, the fingerprints of a person who is required to be certified under this chapter are not retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b), the person must file a complete set of fingerprints with the district school superintendent of the employing school district. Upon submission of fingerprints for this purpose, the school district shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for federal criminal records checks, and the fingerprints shall be retained by the Department of Law Enforcement under s. 1012.32(3)(a) and (b). The cost of the state and federal criminal history checks required by paragraph (a) and this paragraph may be borne by the district school board or the employee. Under penalty of perjury, each person who is certified under this chapter must agree to inform his or her employer within 48 hours if convicted of any disqualifying offense while he or she is employed in a position for which such certification is required.

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(c) If it is found under s. 1012.796 that a person who is employed in a position requiring certification under this chapter has not been screened in accordance with s. 1012.32, or is ineligible for such certification under s. 1012.315, the person's certification shall be immediately revoked or suspended and he or she shall be immediately suspended from the position requiring certification.

(11) NONCITIZENS.--

(a) The State Board of Education may adopt rules for issuing certificates to noncitizens who are needed to teach and who are legally admitted to the United States through the United States Bureau of Citizenship and Immigration Services. The filing of a written oath to uphold the principles of the Constitution of the United States and the Constitution of the State of Florida, required under paragraph (2)(b), does not apply to individuals assigned to teach on an exchange basis.

(b) A certificate may not be issued to a citizen of a nation controlled by forces that are antagonistic to democratic forms of government, except to an individual who has been legally admitted to the United States through the United States Bureau of Citizenship and Immigration Services.

(12) DENIAL OF CERTIFICATE.--

(a) The Department of Education may deny an applicant a certificate if the department possesses evidence satisfactory to it that the applicant has committed an act or acts, or that a situation exists, for which the Education Practices Commission would be authorized to revoke a teaching certificate.

(b) The decision of the department is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days after receipt of the notice of denial.

(13) STATE BOARD RULES.--The State Board of Education shall adopt rules pursuant to ss. 120.536 and 120.54, as necessary to implement this section.

(14) PRIOR APPLICATION.--Persons who apply for certification are governed by the law and rules in effect at the time of application for issuance of the initial certificate, provided that continuity of certificates is maintained.

(15) PERSONNEL RECORDS.--The Department of Education shall maintain an electronic database that includes, but need not be limited to, the academic preparation, professional training, and teaching experience of each person to whom a certificate is issued. The applicant or the district school superintendent shall furnish the information using a format provided by the department.

(16) AUTHORITY OF COMMISSIONER.--The Commissioner of Education may make decisions regarding an applicant's certification under extenuating circumstances not otherwise provided for in statute or by rule. However, an applicant for certification approved by the commissioner must possess the credentials, knowledge, and skills necessary to provide quality education in the public schools.

(17) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.--Beginning with the 2003-2004 school

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year, the Department of Education shall conduct a longitudinal study to compare performance of certificateholders who are employed in Florida school districts. The study shall compare a sampling of educators who have qualified for a professional certificate since July 1, 2002, based on the following:

- (a) Graduation from a state-approved teacher preparation program.
- (b) Completion of a state-approved professional preparation and education competency program.
- (c) A valid standard teaching certificate issued by a state other than Florida.

The department comparisons shall be made to determine if there is any significant difference in the performance of these groups of teachers, as measured by their students' achievement levels and learning gains as measured by s. 1008.22.

History.--s. 728, ch. 2002-387; s. 43, ch. 2003-391; s. 170, ch. 2004-5; s. 16, ch. 2004-295; s. 61, ch. 2006-74; s. 30, ch. 2008-108; s. 25, ch. 2008-235.

¹**Note.**--Redesignated as paragraphs (6)(f) and (8)(b) by s. 25, ch. 2008-235.

²**Note.**--Redesignated as subsection (10) by s. 25, ch. 2008-235.

³**Note.**--Redesignated as subsection (5) by s. 25, ch. 2008-235.

⁴**Note.**--Redesignated as subsection (6) by s. 25, ch. 2008-235.

⁵**Note.**--Redesignated as paragraph (8)(b) by s. 25, ch. 2008-235.

⁶**Note.**--Redesignated as paragraph (8)(a) by s. 25, ch. 2008-235.

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1007.25 General education courses; common prerequisites; and other degree requirements.--

- (1) The department shall identify the degree programs offered by public postsecondary educational institutions.
- (2) The department shall identify postsecondary career education programs offered by community colleges and district school boards. The department shall also identify career courses designated as college credit courses applicable toward a career education diploma or degree. Such courses must be identified within the statewide course numbering system.
- (3) The department shall identify those courses that meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The courses shall be identified by their statewide course code number. All public postsecondary educational institutions shall accept these general education courses.
- (4) The department shall identify those courses offered by universities and accepted for credit toward a degree. The department shall identify courses designated as either general education or required as a prerequisite for a degree. The courses shall be identified by their statewide course number.
- (5) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the State Board of Education for community colleges and the Board of Governors for state universities. The department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.
- (6) The boards of trustees of the community colleges shall identify their core curricula, which shall include courses required by the State Board of Education. The boards of trustees of the state universities shall identify their core curricula, which shall include courses required by the Board of Governors. The universities and community colleges shall work with their school districts to assure that high school curricula coordinate with the core curricula and to prepare students for college-level work. Core curricula for associate in arts programs shall be adopted in rule by the State Board of Education and shall include 36 semester hours of general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

(7) An associate in arts degree shall require no more than 60 semester hours of college credit, including 36 semester hours of general education coursework. Except for college-preparatory coursework required pursuant to s. 1008.30, all required coursework shall count toward the associate in arts degree or the baccalaureate degree.

(8) A baccalaureate degree program shall require no more than 120 semester hours of college credit, including 36 semester hours of general education coursework, unless prior approval has been granted by the Board of Governors for baccalaureate degree programs offered by state universities and by the State Board of Education for baccalaureate degree programs offered by community colleges.

(9) A student who received an associate in arts degree for successfully completing 60 semester credit hours may continue to earn additional credits at a community college. The university must provide credit toward the student's baccalaureate degree for an additional community college course if, according to the statewide course numbering, the community college course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower division, except in degree programs approved by the State Board of Education for programs offered by community colleges and by the Board of Governors for programs offered by state universities.

(10) Students at state universities may request associate in arts certificates if they have successfully completed the minimum requirements for the degree of associate in arts (A.A.). The university must grant the student an associate in arts degree if the student has successfully completed minimum requirements for college-level communication and computation skills adopted by the State Board of Education and 60 academic semester hours or the equivalent within a degree program area, with 36 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23.

(11) The Commissioner of Education shall appoint faculty committees representing both community college and public school faculties to recommend to the commissioner for approval by the State Board of Education a standard program length and appropriate occupational completion points for each postsecondary career certificate program, diploma, and degree offered by a school district or a community college.

History.--s. 351, ch. 2002-387; s. 107, ch. 2004-357; s. 115, ch. 2007-217.

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1008.30 Common placement testing for public postsecondary education.--

(1) The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. Public postsecondary educational institutions shall provide appropriate modifications of the test instruments or test procedures for students with disabilities.

(2) The common placement testing program shall include at a minimum the following: the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential to perform college-level work; prerequisite skills that relate to progressively advanced instruction in mathematics, such as algebra and geometry; prerequisite skills that relate to progressively advanced instruction in language arts, such as English composition and literature; prerequisite skills which relate to the College Level Academic Skills Test (CLAST); and provision of test information to students on the specific deficiencies.

(3) The State Board of Education shall adopt rules that require high schools to evaluate before the beginning of grade 12 the college readiness of each student who indicates an interest in postsecondary education and scores at Level 2 or Level 3 on the reading portion of the grade 10 FCAT or Level 2, Level 3, or Level 4 on the mathematics portion of the grade 10 FCAT. High schools shall perform this evaluation using results from the corresponding component of the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education. The Department of Education shall purchase or develop the assessments necessary to perform the evaluations required by this subsection and shall work with the school districts to administer the assessments. The State Board of Education shall establish by rule the minimum test scores a student must achieve to demonstrate readiness. Students who demonstrate readiness by achieving the minimum test scores established by the state board and enroll in a community college within 2 years of achieving such scores shall not be required to enroll in remediation courses as a condition of acceptance to any community college. The high school shall use the results of the test to advise the students of any identified deficiencies and to the maximum extent practicable provide 12th grade students access to appropriate remedial instruction prior to high school graduation. The remedial instruction provided under this subsection shall be a collaborative effort between secondary and postsecondary educational institutions. To the extent courses are available, the Florida Virtual School may be used to provide the remedial instruction required by this subsection.

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(4)(a) Public postsecondary educational institution students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory or other adult education pursuant to s. 1004.93 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A student enrolled in a college-preparatory course may concurrently enroll only in college credit courses that do not require the skills addressed in the college-preparatory course. The State Board of Education, in conjunction with the Board of Governors, shall specify the college credit courses that are acceptable for students enrolled in each college-preparatory skill area. A student who wishes to earn an associate in arts or a baccalaureate degree, but who is required to complete a college-preparatory course, must successfully complete the required college-preparatory studies by the time the student has accumulated 12 hours of lower-division college credit degree coursework; however, a student may continue enrollment in degree-earning coursework provided the student maintains enrollment in college-preparatory coursework for each subsequent semester until college-preparatory coursework requirements are completed, and the student demonstrates satisfactory performance in degree-earning coursework. A passing score on a standardized, institutionally developed test must be achieved before a student is considered to have met basic computation and communication skills requirements; however, no student shall be required to retake any test or subtest that was previously passed by said student. Credit awarded for college-preparatory instruction may not be counted toward fulfilling the number of credits required for a degree.

(b) A university board of trustees may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college-preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college-preparatory instruction without contracting with a community college; however, any state university offering college-preparatory instruction as of January 1, 1996, may continue to provide such services.

(5) A student may not be enrolled in a college credit mathematics or English course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation on the section of the basic computation and communication skills assessment required pursuant to subsection (1) that is appropriate for successful student participation in the course.

History.—s. 373, ch. 2002-387; s. 124, ch. 2007-217; s. 19, ch. 2008-235.



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1002.45 School district virtual instruction programs.--

(1) PROGRAM.--

(a) Beginning with the 2009-2010 school year, each school district shall provide eligible students within its boundaries the option of participating in a virtual instruction program. The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide virtual instruction to full-time students enrolled in full-time virtual courses in kindergarten through grade 8 or in full-time or part-time virtual courses in grades 9 through 12 as authorized in paragraph (7)(c).

(b) Each school district's virtual instruction program may consist of one or more schools that are operated by the district or by contracted providers approved by the Department of Education under subsection (2). School districts may participate in multidistrict contractual arrangements, which may include contracts executed by a regional consortium for its member districts, to provide such programs.

(c) A charter school may enter into a joint agreement with the school district in which it is located for the charter school's students to participate in an approved district virtual instruction program.

(2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009, and annually thereafter, the department shall provide school districts with a list of providers approved to offer virtual instruction. To be approved by the department, a contract provider must annually document that it:

(a) Is nonsectarian in its programs, admission policies, employment practices, and operations;

(b) Complies with the antidiscrimination provisions of s. 1000.05;

(c) Locates an administrative office or offices in this state, requires its administrative staff to be state residents, and requires all instructional staff members to be Florida-certified teachers;

(d) Possesses prior, successful experience offering online courses to elementary, middle, or high school students;

(e) Utilizes an instructional model that relies on certified teachers, not parents, to provide at least 85

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percent of the instruction to the student;

(f) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; and

(g) Complies with all requirements under this section.

Notwithstanding this subsection, approved providers of virtual instruction shall include the Florida Virtual School established under s. 1002.37 and providers that operate under s. 1002.415.

(3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.--Each virtual instruction program operated or contracted by a school district must:

(a) Require all instructional staff to be certified professional educators under chapter 1012.

(b) Conduct a background screening of all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.

(c) Align virtual course curriculum and course content to the Sunshine State Standards under s. 1003.41.

(d) Offer instruction that is designed to enable a student to gain proficiency in each virtually delivered course of study.

(e) Provide each student enrolled in the program with all the necessary instructional materials.

(f) Provide, when appropriate, each household having a full-time student enrolled in the program with:

1. All equipment necessary for participants in the school district virtual instruction program, including, but not limited to, a computer, computer monitor, and printer; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

(g) Not require tuition or student registration fees.

(4) PROGRAM CAPACITY; ENROLLMENT.--Beginning with the 2010-2011 school year, except for courses offered by the Florida Virtual School under s. 1002.37, a school district may not increase the enrollment for its full-time virtual instruction program in excess of its prior school year enrollment unless the program for the previous school year is designated with a grade of "C," making satisfactory progress, or better under the school grading system provided in s. 1008.34.

(5) STUDENT ELIGIBILITY.--Enrollment in a school district virtual instruction program is open to any student residing within the district's attendance area if the student meets at least one of the following conditions:

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- (a) The student has spent the prior school year in attendance at a public school in this state and was enrolled and reported by a public school district for funding during the preceding October and February for purposes of the Florida Education Finance Program surveys.
- (b) The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to the parent's permanent change of station orders.
- (c) The student was enrolled during the prior school year in a school district virtual instruction program under this section or a K-8 Virtual School Program under s. 1002.415.

(6) STUDENT PARTICIPATION REQUIREMENTS.--Each student enrolled in a school district virtual instruction program must:

- (a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.
- (b) Take state assessment tests within the school district in which such student resides, which must provide the student with access to the district's testing facilities.

(7) FUNDING.--

- (a) For purposes of a district virtual instruction program, "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).
- (b) The school district shall report full-time equivalent students for the school district virtual instruction program and for a charter school's students who participate under paragraph (1)(c) to the department only in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program.
- (c) Full-time or part-time school district virtual instruction program courses provided under this section for students in grades 9 through 12 are limited to Department of Juvenile Justice programs, dropout prevention programs, and career and vocational programs.

(8) ASSESSMENT AND ACCOUNTABILITY.--

- (a) With the exception of the programs offered by the Florida Virtual School under s. 1002.37, each school district virtual instruction program must:
1. Participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.
 2. Receive a school grade as provided in s. 1008.34. A school district virtual instruction program shall be considered a school under s. 1008.34 for purposes of this section, regardless of the number of individual providers participating in the district's program.

(b) The performance of part-time students under paragraph (7)(c) shall not be included for purposes of school grading under subparagraph (a)2.; however, their performance shall be included for school grading purposes by the nonvirtual school providing the student's primary instruction.

(c) A program that is designated with a grade of "D," making less than satisfactory progress, or "F," failing to make adequate progress, must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(d) The school district shall terminate its program, including all contracts with providers for such program, if the program receives a grade of "D," making less than satisfactory progress, or "F," failing to make adequate progress, for 2 years during any consecutive 4-year period. If a contract is not renewed or is terminated, the contracted provider is responsible for all debts of the program or school operated by the provider.

(e) A school district that terminates its program under paragraph (d) shall contract with a provider selected and approved by the department for the provision of virtual instruction until the school district receives approval from the department to operate a new school district virtual instruction program.

(9) EXCEPTIONS.--A provider of digital or online content or curriculum that is used to supplement the instruction of students who are not enrolled in a virtual instruction program under this section is not required to meet the requirements of this section.

(10) MARKETING.--Any information provided by a school district to parents and students regarding the school district's virtual instruction program must include information about opportunities available at, and the parent's and student's right to access courses offered by, the Florida Virtual School under s. 1002.37.

(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM.--For the 2008-2009 school year, each school district in the state may offer a school district virtual instruction program to provide full-time virtual courses in kindergarten through grade 8 or to provide full-time or part-time virtual courses in grades 9 through 12 as authorized in paragraph (7)(c). Such program may be operated or contracted as provided under paragraph (1)(b) and must comply with all requirements of this section, except that contracts under this subsection may only be issued for virtual courses in kindergarten through grade 8 to providers operating under s. 1002.415 or for virtual courses in grades 9 through 12 as authorized under paragraph (7)(c) to providers who contracted with a regional consortium in the 2007-2008 school year to provide such services.

(12) RULES.--The State Board of Education shall adopt rules necessary to administer this section, including rules that prescribe school district and charter school reporting requirements.

History.--s. 4, ch. 2008-147.



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1006.29 State instructional materials committees.--

(1) Each school year, not later than April 15, the commissioner shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and representing the major fields and levels in which instructional materials are used in the public schools and, in addition, lay citizens not professionally connected with education. Committee members shall receive training pursuant to subsection (5) in competencies related to the evaluation and selection of instructional materials.

(a) There shall be 10 or more members on each committee: At least 50 percent of the members shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, 2 shall be laypersons, 1 shall be a district school board member, and 2 shall be supervisors of teachers. The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the state's student population. Personnel selected as teachers of the year at the school, district, regional, or state level are encouraged to serve on instructional materials committees.

(b) The membership of each committee must reflect the broad racial, ethnic, socioeconomic, and cultural diversity of the state, including a balanced representation from the state's geographic regions.

(c) The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption, taking into consideration the desires of the district school boards. The commissioner shall also determine the number of titles to be adopted in each area.

(2)(a) All appointments shall be as prescribed in this section. No member shall serve more than two consecutive terms on any committee. All appointments shall be for 18-month terms. All vacancies shall be filled in the manner of the original appointment for only the time remaining in the unexpired term. At no time may a district school board have more than one representative on a committee. The commissioner and a member of the department whom he or she shall designate shall be additional and ex officio members of each committee.

(b) The names and mailing addresses of the members of the state instructional materials committees shall be made public when appointments are made.

(c) The district school board shall be reimbursed for the actual cost of substitute teachers for each

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workday that a member of its instructional staff is absent from his or her assigned duties for the purpose of rendering service to the state instructional materials committee. In addition, committee members shall be reimbursed for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings of committees called by the commissioner. Payment of such travel expenses shall be made from the appropriation for the administration of the instructional materials program, on warrants to be drawn by the Chief Financial Officer upon requisition approved by the commissioner.

(d) Any member of a committee may be removed by the commissioner for cause.

(3) All references in the law to the state instructional materials committee shall apply to each committee created by this section.

(4) For purposes of state adoption, "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

(5) The department shall develop a training program for persons selected to serve on state instructional materials committees. The program shall be structured to assist committee members in developing the skills necessary to make valid, culturally sensitive, and objective decisions regarding the content and rigor of instructional materials. All persons serving on instructional materials committees must complete the training program prior to beginning the review and selection process.

History.--s. 304, ch. 2002-387; s. 1950, ch. 2003-261.

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1012.79 Education Practices Commission; organization.--

(1) The Education Practices Commission consists of 25 members, including 8 teachers; 5 administrators, at least one of whom shall represent a private school; 7 lay citizens, 5 of whom shall be parents of public school students and who are unrelated to public school employees and 2 of whom shall be former district school board members; and 5 sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.
2. Must be a resident of the state.
3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in the area of school administration or supervision.
2. Must be a resident of the state.
3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) The lay members must be residents of the state.

(d) The law enforcement official members must have served in the profession for at least 5 years immediately preceding appointment and have background expertise in child safety.

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(2) Members of the commission shall serve for 4-year staggered terms. No commission member may serve more than 8 years.

(3) The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

(4) From among its members, the commission shall elect a chair who shall preside over meetings of the commission and perform other duties directed by the commission or required by its duly adopted rules or operating procedures. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at a rate established by the school district for substitute teachers. The department may reimburse local school districts for substitutes.

(5) The commission, by a vote of three-fourths of the membership, shall employ an executive director, who shall be exempt from career service. The executive director may be dismissed by a majority vote of the membership.

(6)(a) The commission shall be assigned to the Department of Education for administrative purposes. The commission, in the performance of its powers and duties, shall not be subject to control, supervision, or direction by the Department of Education.

(b) The property, personnel, and appropriations related to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Education.

(7) The duties and responsibilities of the commission are to:

(a) Interpret and apply the standards of professional practice established by the State Board of Education.

(b) Revoke or suspend a certificate or take other appropriate action as provided in ss. 1012.795 and 1012.796.

(c) Report to and meet with the State Board of Education at least once each year.

(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it.

(8)(a) The commission shall, from time to time, designate members of the commission to serve on panels for the purpose of reviewing and issuing final orders upon cases presented to the commission. A case concerning a complaint against a teacher shall be reviewed and a final order entered by a panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must be teachers. A case concerning a complaint against an administrator shall be reviewed and a final order entered by a panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at

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least three of whom must be administrators.

(b) A majority of a quorum of a panel of the commission shall have final agency authority in all cases involving the revocation, suspension, or other disciplining of certificates of teachers and school administrators. A majority of the membership of the panel shall constitute a quorum. The district school board shall retain the authority to discipline teachers and administrators pursuant to law.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Financial Services as provided in s. 17.03.

(10) The commission shall be financed from the following: certification fees; fines, penalties, and costs collected pursuant to s. 1012.796(9); and general revenue.

History.--s. 756, ch. 2002-387; s. 1976, ch. 2003-261; s. 72, ch. 2004-41; s. 20, ch. 2004-295; s. 31, ch. 2008-108.